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Department of Justice

FACT SHEET: INVESTIGATION OF RECENT ALLEGATIONS RELATED TO THE ASSASSINATION OF DR. MARTIN LUTHER KING, JR.

The Department of Justice has completed its investigation of two recent allegations related to the April 4, 1968 assassination of Dr. Martin Luther King, Jr. These separate allegations emanate from Loyd Jowers, a recently deceased Memphis tavern owner, and Donald Wilson, a former FBI agent. In connection with this inquiry, we also considered the evidence presented during last year's state civil trial of King v. Jowers, which included various claims that government agencies, as well as two African American ministers associated with Dr. King, conspired to kill him. We found that the Jowers and Wilson allegations are not credible and that none of the additional allegations made in King v. Jowers warrant further investigation.

We conducted nearly a year and a half of original investigation, interviewing more than 200 witnesses. We also reviewed all available materials from four prior official investigations; documents and information provided by private parties who have conducted their own investigations; relevant pleadings, discovery materials, and hearing transcripts from post-conviction and civil litigation related to the assassination, including evidence from King v. Jowers; and hundreds of media articles and several pertinent books.

Jowers' Allegations

In 1993, 25 years after the murder, Jowers claimed that he participated in a conspiracy to kill Dr. King, along with an alleged Mafia figure, Memphis police officers, and a man named Raoul. According to Jowers, one of the conspirators shot Dr. King from behind his tavern.

Since his initial televised confession in 1993, Jowers has given numerous significantly inconsistent statements about the assassination. He has on occasion disavowed his claims. The only time Jowers testified under oath about his allegations, he refused to adopt them. In those statements in which he has claimed participation in a conspiracy, Jowers has contradicted himself on virtually every key contention, including: the identity of the alleged assassin; his own role in the plot; the role of others; and what happened to the murder weapon.

We also found no credible evidence to support any aspect of Jowers' varied claims. Instead, we found significant physical evidence and witness accounts to contradict important aspects of his allegations. For instance, immediately after the assassination investigators searched for, but did not find, a trail of footprints in the muddy ground behind Jowers' tavern. This important fact contradicts Jowers' claim that the assassin shot from that location, brought the rifle to him at the tavern's back door, and then escaped crossing the same ground.

Jowers' conduct also undermines his credibility. It was not until 1993, during a meeting with the producer of a televised mock trial of James Earl Ray, that Jowers first publicly disclosed the alleged plot's details. He has since sought publicity for his story and yet refused to cooperate with government investigations. Even though he repeatedly confessed publicly without immunity from prosecution, he refused to speak to us without immunity. When we agreed to consider his immunity demand, he declined to provide a proffer of his account, a standard prerequisite before an immunity grant, particularly where contradictory statements exist.

Jowers' conflicting claims are unsubstantiated and contradicted. Consequently, we do not believe that Jowers, or those he accuses, participated in the assassination of Dr. King.

Wilson's Allegations

Wilson alleged in 1998 that shortly after the assassination, while working as an FBI agent, he took papers from the abandoned car of James Earl Ray, the career criminal who pled guilty to murdering Dr. King. Wilson claims he concealed them for 30 years. Two of the papers contained references to a "Raul" and figures associated with the assassination of President Kennedy. According to Wilson, someone who later worked in the White House subsequently stole other papers he took from Ray's car, including one with an FBI office telephone number.

Wilson has made several contradictory statements about the documents and his discovery of them and otherwise behaved in a duplicitous manner. Most significantly, six months after telling the Atlanta District Attorney, the King family, and their attorney, Dr. Pepper, that he found four documents in Ray's car, Wilson advised us of an alleged, previously undisclosed fifth document with the telephone number of the FBI office where he had worked. In addition, while publicly claiming he wanted a full government investigation, Wilson refused for six months to relinquish any documents until the execution of a search warrant was imminent. He also refused to provide information that he claimed could lead to recovery of the other documents purportedly stolen from him. Finally, Wilson inexplicably cut off all contact with us once we offered the immunity from prosecution he had requested.

We also found nothing to substantiate any of Wilson's varied claims about his discovery of the documents. At the same time, we found significant evidence to contradict key aspects of his accounts. For example, photographs and expert opinion establish that the passenger-side door of Ray's car was locked when the FBI was at the scene, not ajar and unlocked, as Wilson claims.

Although we were unable to determine the true origin of the Wilson documents, important aspects of his account make it implausible and scientific analysis of the documents suggests they are not what they purport to be. For instance, it is highly improbable that a page torn from a 1963 Dallas telephone directory linking the King and Kennedy assassinations would have been in Ray's car in 1968, would have contained Jack Ruby's telephone number (disconnected five years earlier when Ray was in prison), or would have fortuitously fallen out when Wilson allegedly opened the door. In addition, we found no credible evidence linking Ray to Ruby or connecting the two assassinations. Finally, scientific testing of the torn telephone page suggests that another handwritten notation in its margin was written to create the false impressions that Ray had "Raul's" telephone number and the King and Kennedy assassinations were connected.

The possibility that the documents actually came from Ray's car is even more remote since Ray himself claimed not to remember them. It is also implausible that Wilson, who allegedly joined the FBI because of his concern for civil rights, would have chosen to tamper with Ray's car, confiscate evidence, and potentially compromise the search for Dr. King's murderer. Wilson's claim that he concealed information potentially implicating the FBI for 20 years after he terminated his career as an agent and then again when he made his initial public disclosure in 1998 is also particularly suspicious in light of his professed disdain for the FBI.

Wilson's inconsistent statements, his conduct, and the evidence refuting his claims all demonstrate that his implausible account is not worthy of belief. Accordingly, we have concluded that the Wilson documents do not constitute evidence relevant to the assassination.

Other Considerations

The name Raoul, or Raul, is central to both the Jowers and the Wilson allegations, as well as to James Earl Ray's claims of innocence. Jowers contends that he conspired with Raoul and two of the Wilson documents bear the handwritten name "Raul." Moreover, Ray, soon after pleading guilty, claimed that someone he knew only as Raoul lured him to Memphis and framed him by leaving a rifle with his fingerprints at the crime scene.

The weight of the evidence establishes that Raoul is merely Ray's creation. Ray repeatedly gave self-serving, contradictory accounts about Raoul and their activities. We found no reliable evidence to support Ray's claims. We also determined that a man recently identified by Ray and Jowers as Raoul— a man from New York named Raul— could not have been the man they claim was involved in the assassination. The New York Raul could not speak English and was living and working in New York at the times he was allegedly with Ray and Jowers.

More than 30 years after the crime, there still is no reliable information suggesting Raoul's last name, location, appearance, friends, family, or other identifying characteristics or credible sightings of him. The total lack of evidence as to Raoul's existence is significant since Ray claimed that he was repeatedly with Raoul in various places and many of Ray's other associations unrelated to the assassination have been verified. At the same time, vigorous searches for Raoul by Ray's defenders and official investigations have failed to find him. Our review of years of speculation about Raoul and numerous different false accusations about his identity present a convincing case that no Raoul was involved in a conspiracy to kill Dr. King.

We generally confined our investigation to the Jowers and the Wilson allegations and logical investigative leads suggested by them, such as the existence of Raoul. We did evaluate other allegations, however, including claims from the trial of King v. Jowers that government agencies, as well as African American ministers associated with Dr. King, conspired to kill him. Where warranted, we conducted limited additional investigation.

King v. Jowers, a civil law suit brought in a Tennessee court by the King family against Loyd Jowers, concluded in December 1999. The jury adopted a verdict offered by the parties finding that Jowers and "others, including government agencies" participated in a conspiracy to kill Dr. King. The trial featured only some of the information considered by our investigation and none of the facts that undermine the credibility of Jowers' allegations. Thus, it did not change our assessment of those allegations.

The trial also featured hearsay evidence claiming the existence of various alleged government-directed conspiracies. It included a deposition of an unidentified person alleging that President Johnson and Vice President Humphrey initiated the assassination plot and notes recording an unnamed source's account that his military surveillance team photographed the murder. Witness testimony and writings related several other secondhand or thirdhand accounts of unrelated and, in some cases, contradictory conspiracy claims. We evaluated these allegations and because one of them presented a claim that military personnel actually witnessed the assassination, we conducted limited investigation.

Significantly, no eyewitness testimony or tangible evidence supported any of the government-directed conspiracy allegations. The only relevant, non-hearsay eyewitness accounts presented at trial suggested nothing more than the possibility that Dr. King, like other civil rights activists, was regrettably under surveillance around the time of the assassination. However, we found nothing to indicate that surveillance at any time had any connection to the assassination.

Critical analysis of the hearsay allegations, particularly in light of significant information not introduced at the trial, also demonstrates that none of the claims are credible. We found no reliable evidence to corroborate the various allegations — including the contention that military personnel witnessed the murder — and other facts to contradict them. For instance, we learned that a journalist, who was not identified at trial and did not testify, wrote the notes relating an unnamed source's claim that his military surveillance team photographed the assassination. When we interviewed him, the journalist said that he did not credit the source or his story. Additionally, we found nothing to substantiate the story and information to contradict it.

Finally, we considered the testimony in King v. Jowers offering observations and hearsay accounts to support Dr. Pepper's contention that two African American ministers associated with Dr. King were part of a plot to kill him. We found nothing to substantiate that claim and significant information not introduced at the trial to contradict it.

Consequently, there is insufficient substantiation of any of the various allegations advanced during King v. Jowers to warrant further investigation.

Conclusions

Questions and speculation may always surround the assassination of Dr. King and other national tragedies. This investigation of these most recent allegations, as well as several exhaustive previous official investigations, found no reliable evidence that Dr. King was killed by conspirators who framed James Earl Ray. Nor have any of the conspiracy theories advanced in the last 30 years, including the Jowers and Wilson allegations, survived critical examination.

We will conduct no further investigation of the Jowers allegations, the Wilson allegations, or any other allegations related to the assassination unless and until reliable substantiating facts are presented. At this time, we are aware of no information to warrant any further investigation of the assassination of Dr. Martin Luther King, Jr.

U.S. Department of Justice

United States Department of Justice Investigation of Recent Allegations Regarding the Assassination of Dr. Martin Luther King, Jr.

June 2000

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UNITED STATES DEPARTMENT OF JUSTICE INVESTIGATION OF RECENT ALLEGATIONS REGARDING THE ASSASSINATION OF DR. MARTIN LUTHER KING, JR.

On August 26, 1998, the Attorney General directed the Civil Rights Division of the United States Department of Justice, assisted by the Criminal Division, to investigate two separate, recent allegations related to the April 4, 1968 assassination of Dr. Martin Luther King, Jr. These allegations emanate from Loyd Jowers, a former Memphis tavern owner, and Donald Wilson, a former agent with the Federal Bureau of Investigation (FBI).

In 1993, 25 years after the murder, Jowers claimed that he participated in a conspiracy to kill Dr. King, along with an alleged Mafia figure, Memphis police officers, and a man named Raoul. According to Jowers, one of the conspirators shot Dr. King from behind his tavern.

Wilson alleged in 1998 that shortly after the assassination, while working as an FBI agent, he took papers from the abandoned car of James Earl Ray, the career criminal who pled guilty to murdering Dr. King. Wilson claims he concealed them for 30 years. Some of the papers contained references to a Raul (the alternate spellings, Raoul and Raul, are discussed in Section I) and figures associated with the assassination of President John F. Kennedy. According to Wilson, someone who later worked in the White House subsequently stole the other papers he took from Ray's car, including one with the telephone number of an FBI office.

Both the Jowers and the Wilson allegations suggest that persons other than or in addition to James Earl Ray participated in the assassination. Ray, within days of entering his guilty plea in 1969, attempted to withdraw it. Until his death in April 1998, he maintained that he did not shoot Dr. King and was framed by a man he knew only as Raoul. For 30 years, others have similarly alleged that Ray was Raoul's unwitting pawn and that a conspiracy orchestrated Dr. King's murder. These varied theories have generated several comprehensive government investigations regarding the assassination, none of which confirmed the existence of any conspiracy. However, in King v. Jowers, a recent civil suit in a Tennessee state court, a jury returned a verdict finding that Jowers and unnamed others, including unspecified government agencies, participated in a conspiracy to assassinate Dr. King.

Our mission was to consider whether the Jowers or the Wilson allegations are true and, if so, to detect whether anyone implicated engaged in criminal conduct by participating in the assassination. We have concluded that neither allegation is credible. Jowers and Wilson have both contradicted their own accounts. Moreover, we did not find sufficient, reliable evidence to corroborate either of their claims. Instead, we found significant evidence to refute them. Nothing new was presented during King v. Jowers to alter our findings or to warrant federal investigation of the trial's conflicting, far-ranging hearsay allegations of a government-directed plot involving the Mafia and African American ministers closely associated with Dr. King. Ultimately, we found nothing to disturb the 1969 judicial determination that James Earl Ray murdered Dr. King or to confirm that Raoul or anyone else implicated by Jowers or suggested by the Wilson papers participated in the assassination.

I. SUMMARY OF THE FINDINGS OF THE INVESTIGATION

This report documents the findings of our investigation. Our conclusions are based on over 200 witness interviews, scientific testing and analysis of relevant documentary evidence, and review of tens of thousands of pages of records, including the files and papers from four previous official investigations, related litigation including King v. Jowers, private parties, and the media.

After original investigation and analysis of the historical record, we have concluded that neither the Jowers nor the Wilson allegations are substantiated or credible. We likewise have determined that the allegations relating to Raoul's participation in the assassination, which originated with James Earl Ray, have no merit. Finally, we find that there is no reliable evidence to support the allegations presented in King v. Jowers of a government-directed conspiracy involving the Mafia and Dr. King's associates. Accordingly, no further investigation is warranted.

A. Findings Regarding Jowers' Allegations

At the time of the assassination, Loyd Jowers owned and operated Jim's Grill, a tavern below the rooming house where James Earl Ray rented a room on April 4, 1968. Until 1993, Jowers maintained in several public statements that he was merely serving customers in his tavern when Dr. King was shot. He did not claim any involvement in the assassination or significant knowledge about it.

In December 1993, Jowers appeared on ABC's *Prime Time Live* and radically changed his story, claiming he participated in a plot to assassinate Dr. King. According to Jowers, a Memphis produce dealer, who was involved with the Mafia, gave him $100,000 to hire an assassin and assured him that the police would not be at the scene of the shooting. Jowers also reported that he hired a hit man to shoot Dr. King from behind Jim's Grill and received the murder weapon prior to the killing from someone with a name sounding like Raoul. Jowers further maintained that Ray did not shoot Dr. King and that he did not believe Ray knowingly participated in the conspiracy.

Since his television appearance, Jowers and his attorney have given additional statements about the assassination to the media, the King family, Ray's defenders, law enforcement personnel, relatives, friends, and courts. Jowers, however, has never made his conspiracy claims under oath. See Section IV.C.1.a. In fact, he did not testify in King v. Jowers, despite the fact that he was the party being sued. The one time Jowers did testify under oath about his allegations in an earlier civil suit, Ray v. Jowers, he repudiated them. Further, he has also renounced his confessions in certain private conversations without his attorney. See Section IV.C.1.b. For example, in an impromptu, recorded conversation with a state investigator, Jowers characterized a central feature of his story -- that someone besides Ray shot Dr. King with a rifle other than the one recovered at the crime scene -- as "bullshit." Consequently, Jowers has only confessed in circumstances where candor has not been required by law or where he has not been required to reconcile his prior inconsistencies.

When Jowers has confessed, he has contradicted himself on virtually every key point about the alleged conspiracy. See Section IV.C.2. For example, he not only identified two different people as the assassin, but also most recently claimed that he saw the assassin and did not recognize him. Jowers also abandoned his initial allegation that he received $100,000 with which he hired a hit man to kill Dr. King, claiming instead that he merely held the money for the conspirators. Additionally, Jowers has been inconsistent about other aspects of the alleged conspiracy, including his role in it, Raoul's responsibilities, whether and how Memphis police officers were involved, and the disposal of the alleged murder weapon.

Equally significant, the investigative team found no credible evidence to support any aspect of Jowers' varied accounts. See Section IV.D. There is no corroborating physical evidence, and the few isolated accounts allegedly supporting Jowers' claims are either unreliable or unsupportive. At the same time, there is evidence to contradict important elements of Jowers' allegations. For instance, investigators did not find a trail of footprints in the muddy ground behind Jim's Grill after the murder, undermining Jowers' claim that the assassin shot Dr. King from that location and brought the rifle to him at the backdoor. Similarly, there is substantial evidence establishing that the assassin actually fired from the bathroom window of the rooming house above Jim's Grill.

The genesis of Jowers' allegations is suspect. See Section IV.F.1. For 25 years following the assassination, Jowers never claimed any specific involvement in or knowledge of a conspiracy. It was not until 1993, during a meeting with the producer of a televised mock trial of James Earl Ray, that Jowers first publicly disclosed the details of the alleged plot, including the names of the purported assassin and other co-conspirators. He also initially sought compensation for his story, and his friends and relatives acknowledge that he hoped to make money from his account.

Jowers' conduct also undermines his credibility. He refused to cooperate with our investigation. See Section IV.E. Even though he repeatedly confessed publicly without immunity from prosecution, he was unwilling to speak to us without immunity. We were willing to consider his demand, but he refused to provide a proffer of his allegation, a standard prerequisite for an immunity grant, particularly where a witness has given contradictory accounts. His failure to provide a proffer demonstrates that he was unwilling to put forth a final, definitive version of his story. It further suggests he is not genuinely concerned about obtaining protection from prosecution, but instead has sought immunity merely to lend legitimacy to his otherwise unsubstantiated story.

From the beginning, Jowers' story has been the product of a carefully orchestrated promotional effort. See Section IV.F.2. In 1993, shortly after the HBO television mock trial, Jowers and a small circle of friends, all represented by the same attorney, sought to gain legitimacy for the conspiracy allegations by presenting them first to the state prosecutor, then to the media. Other of Jowers' friends and acquaintances, some of whom have had close contact with each other and sought financial compensation, joined the promotional effort over the next several years. For example, one cab driver contacted Jowers' attorney in 1998 and offered to be of assistance. Thereafter, he heard Jowers' conspiracy allegations, then repeated them for television and during King v. Jowers. Telephone records demonstrate that, over a period of several months, the cab driver made over 75 telephone calls to Jowers' attorney and another 75 calls to another cab driver friend of Jowers who has sought compensation for information supporting Jowers' claims.

In summary, we have determined that Jowers' claims about an alleged conspiracy are materially contradictory and unsubstantiated. Moreover, Jowers' repudiations, even under oath, his failure to testify during King v. Jowers, his refusal to cooperate with our investigation, his reported motive to make money from his claims, and his efforts along with his friends to promote his story all suggest a lack of credibility. We do not believe that Jowers, or those he accuses, participated in the assassination of Dr. King.

B. Findings Regarding Wilson's Allegations

Unlike Jowers, Donald Wilson, a former agent with the FBI, does not make any claims about who assassinated Dr. King. Rather, in March 1998, he revealed that for the past 30 years he had been concealing evidence that might be relevant to the crime. Wilson alleged that in April 1968, as an FBI agent of less than a year, he went to the scene where Ray's Ford Mustang had been abandoned in Atlanta, Georgia. Once there, Wilson purportedly opened the Mustang's door and a small envelope containing several papers fell out. According to Wilson, he took the papers, hid them, and told no one about them for 30 years.

Dr. William Pepper, then Ray's lawyer, publicly disclosed Wilson's revelation at a press conference. Immediately before the press conference, Wilson told his story to the District Attorney in Atlanta and expressed a strong interest in providing the documents to the Department of Justice for a full investigation.

It was not until six months later that our investigation ultimately obtained the only two documents Wilson maintained he still had. One of the documents is a portion of a torn page from a 1963 Dallas telephone directory. It has handwritten entries and information associated with President Kennedy's assassination, including the telephone numbers of Jack Ruby, the man who murdered Lee Harvey Oswald, and the Hunt family, who some have alleged was involved in the President's murder. The other document is a piece of paper that has two handwritten columns of notations, the first of words and the second of numbers, neither of which appears to have a connection to Dr. King's assassination. Both documents have handwritten entries with the name Raul. See Attachment 1, photostatic copies of the documents provided by Wilson.

Wilson has given materially inconsistent accounts about the documents and his discovery of them. See Section V.C. Most significantly, six months after telling the District Attorney in Atlanta, as well as the King family, Ray's attorney, and the media, that he had found four documents -- the two documents we ultimately obtained and two business cards we have never seen -- Wilson advised us that he actually took a significant, but previously undisclosed, fifth document from Ray's car. Wilson reported that the additional document had the telephone number of the FBI Atlanta field office where he worked, but he never explained his initial failure to reveal its alleged existence. He also gave contradictory stories about when he first looked at the documents, when he realized their significance, and whether and which documents were allegedly later stolen from him.

We found nothing to substantiate any of Wilson's varied claims about his discovery of the documents. At the same time, we found significant, independent evidence to contradict key aspects of his accounts. See Section V.D. For example, photographic evidence and expert opinion establish that the passenger-side door of the Mustang was closed and locked when the FBI was at the scene, not ajar and unlocked as Wilson claimed. Further, we found no evidence to corroborate Wilson's claims that he was at the scene of the Mustang's recovery, opened its door, or took the documents.

Scientific analysis of the documents obtained from Wilson could not resolve two critical questions presented by his allegation -- whether the documents came from Ray's car in 1968 and who authored them. See Section V.F. At the same time, analysis of the torn telephone page suggests that a handwritten notation in its margin may have been written to create the false impression that Ray was in possession of Raul's telephone number and that the assassinations of Dr. King and President Kennedy are connected. See Sections V.F.2.d. and G.

Important aspects of Wilson's account are implausible. See Sections V.E. and G. For instance, it is improbable that a torn page from a 1963 Dallas telephone directory linking the assassinations of Dr. King and President Kennedy would have been in Ray's car in 1968 or have fortuitously fallen out when Wilson allegedly opened the door. The paper has the telephone number of Jack Ruby, which was disconnected shortly after he shot Oswald in 1963, and Ray was in jail from 1960 until 1967. In addition, we found no credible evidence linking Ray to Jack Ruby or connecting the assassinations of President Kennedy and Dr. King.

The possibility that the documents actually came from Ray's car is even more remote since Ray himself did not remember them. Indeed, Ray had the most to gain from Wilson's revelation since the documents would have been the only physical evidence in 30 years to support his claim that Raoul existed. Nonetheless, he declined to confirm that the papers came from his car. See Section V.I.

It is equally implausible that a newly trained agent like Wilson, who joined the FBI because of his concern for civil rights, would have chosen to tamper with Ray's car, confiscate evidence, and potentially compromise the search for Dr. King's murderer. Wilson's claim that he concealed information potentially implicating the FBI for 20 years after he terminated his career as an agent and then again when he made his initial public disclosure in March 1998 is also particularly suspicious in light of his professed disdain for the FBI. See Section V.E.

Wilson's account is finally undermined by his failure to cooperate fully with our investigation. See Section V.J. Within days of his public disclosure in March 1998, he withdrew his offer to provide the documents to the Department of Justice. In September 1998, when he met with attorneys from our investigative team, he again refused to relinquish the original documents until the execution of a search warrant was imminent. Wilson also repeatedly refused to provide information that he claimed could lead to the recovery of the documents he says were stolen from him. Ultimately, once we provided an offer of immunity in response to his expressed concerns about prosecution, he cut off all communication. Accordingly, Wilson's resistance to assisting our investigation belies his public appeal for a thorough investigation by the Department of Justice.

Based upon an assessment of Wilson's conduct, his inconsistent statements, and all other available facts, his claim that he discovered papers in Ray's car is not credible. Accordingly, we have concluded that the documents do not constitute legitimate evidence pertaining to the assassination.

C. Findings Regarding Raoul

The name Raoul, or Raul, is central to both the Jowers and the Wilson allegations, as well as James Earl Ray's claims of innocence. Jowers contends that he conspired with Raoul, and two of the Wilson documents include the name Raul. Ray, soon after pleading guilty, claimed that someone he knew only as Raoul lured him to Memphis and framed him by leaving a rifle with his fingerprints at the crime scene. As a result, we reviewed the numerous past allegations regarding the identity of Raoul and investigated the most recent accusation about Raoul's identity.

Initially, the alternate spellings, Raoul and Raul, may have significance. For over 25 years following the assassination, James Earl Ray, his defenders, and others consistently referred to the man who allegedly framed Ray as Raoul. In the mid-1990s, Ray's defenders changed the spelling to "R-A-U-L" when they believed that a man living in New York state, whose first name is Raul, was the Raoul described by Ray.(1) Ray's attorneys then added the New York Raul as a defendant to a false imprisonment lawsuit brought by Ray against Jowers. The documents Wilson produced a few years later also utilized the same post-1995 spelling of Raul. See Section VI.C.2.

A review of the historical record reveals that, during the 30 years following the assassination, numerous individuals have been erroneously identified as Raoul. Those who have been falsely accused do not share common characteristics or necessarily possess any of the physical characteristics Ray attributed to Raoul. See Section VI.B.

Moreover, the man most recently accused of being Raoul -- the Raul from New York state -- was not connected to the assassination. The methods used to identify the New York Raul and the witnesses identifying him, who include Ray and Jowers, are unreliable. In addition, at the time the New York Raul allegedly planned and participated in the assassination, he could not speak English, was employed full-time with a major corporation, and was often seen in a tightly-knit, Portugese community. See Section VI.C.3.

More than 30 years after the crime, there still is no reliable information suggesting Raoul's last name, address, telephone number, nationality, appearance, friends, family, location, or any other identifying characteristics. The total lack of evidence as to Raoul's existence is telling in light of the fact that Ray's defenders, official investigations, and others have vigorously searched for him for more than 30 years. The dearth of evidence is also significant since Ray often claimed that he was repeatedly with Raoul in various places, cities, and countries, and many of Ray's associations unrelated to the assassination have been verified. See Section VI.D.

Because the uncorroborated allegations regarding Raoul originated with James Earl Ray, we ultimately considered Ray's statements about him. Ray's accounts detailing his activities with Raoul related to the assassination are not only self-serving, but confused and contradictory, especially when compared to his accounts of activities unrelated to the assassination. Thus, Ray's statements suggest that Raoul is simply Ray's creation. See Section VI.E.

For these reasons, we have concluded there is no reliable evidence that a Raoul participated in the assassination.

D. Findings Regarding The King v. Jowers Conspiracy Allegations

King v. Jowers was a civil lawsuit in a Tennessee state court brought by King family members against Loyd Jowers for the wrongful death of Dr. King. The trial concluded in December 1999. The jury adopted a verdict offered by the parties finding that Jowers and "others, including government agencies" participated in a conspiracy to assassinate Dr. King. The trial featured some, but not all, of the information already considered by our investigation. Significant evidence from the historical record and our original investigation that undermines the credibility of Jowers' allegations was not presented. Nothing offered during the trial alters our conclusion regarding Jowers' or Wilson's allegations.(2)

The trial also featured a substantial amount of hearsay evidence purporting to support the existence of various far-ranging, government-directed conspiracies to kill Dr. King. Witness testimony and writings related secondhand or thirdhand accounts of unrelated, and in some cases, contradictory conspiracy claims. For example, an unidentified person who did not testify alleged in an out-of-court deposition, which was read to the jury, that he participated in a conspiracy to assassinate Dr. King initiated by the President and Vice President of the United States and the head of the AFL/CIO labor union. Unrelated to that claim, the notes of an interview of an unidentified source, which were written by a journalist who did not testify, purported to document a claim that a military team was conducting surveillance of Dr. King and actually photographed the assassination.

Significantly, no eyewitness testimony or tangible evidence directly supported any of the conflicting allegations of a government-directed conspiracy. The only relevant non-hearsay eyewitness accounts presented at the trial suggest nothing more than the possibility that Dr. King, like other civil rights activists who were the subjects of government surveillance in the 1960s, may have been watched by military personnel around the time of the assassination. However, we found nothing to indicate that surveillance at any time had any connection with the assassination.

Critical analysis of the hearsay allegations in light of significant information that was not introduced at the trial demonstrates that the none of the conspiracy claims are credible. No evidence corroborated the various allegations and other information contradicted them. For instance, in the case of the interview notes of a source claiming that his military surveillance team witnessed and photographed the assassination, we found nothing to substantiate the allegation but, rather, information to contradict it. The journalist who wrote the notes also told us that he did not credit the source or his story. See Section VII.B.3.d.

Other evidence introduced in King v. Jowers suggested the existence of yet another conspiracy apparently unrelated to the alleged government-directed conspiracies. In this regard, witnesses testified offering observations and hearsay accounts implying that two African American ministers associated with Dr. King were part of a plot to kill him.

The allegations against the African American ministers are far-fetched and unpersuasive. Additionally, we found no information during our investigation of the Jowers and Wilson allegations or our review of the historical record to substantiate these claims, while significant information, not introduced at the trial, contradicts them. See Section VII.C.

In sum, the evidence admitted in King v. Jowers to support the various conspiracy claims consisted of inaccurate and incomplete information or unsubstantiated conjecture, supplied most often by sources, many unnamed, who did not testify. Because of the absence of any reliable evidence to substantiate the trial's claims of a conspiracy to assassinate Dr. King involving the federal government, Dr. King's associates, Raoul, or anyone else, further investigation is not warranted.

E. Findings Of Earlier Official Investigations

Our findings are consistent with the conclusions reached by prior official investigations. A 1977 Department of Justice Task Force found "no evidence of the complicity of the Memphis Police Department or the FBI" in the assassination of Dr. King. It also concluded that Ray's assertions that someone else shot Dr. King were "so patently self-serving and so varied as to be wholly unbelievable." In 1979, a congressional investigation by the House Select Committee on Assassinations (HSCA) arrived at similar conclusions, additionally finding that one or both of James Earl Ray's brothers might have been his accomplices and that two racist St. Louis businessmen, who were dead by the time the HSCA probe began, may have put up a bounty for Dr. King's murder.

In 1998, the Shelby County, Tennessee District Attorney General completed a four-year investigation of the early versions of Jowers' allegations and concluded that "there is no credible evidence that implicates

Loyd Jowers for the murder" of Dr. King. That investigation further determined that the Raul from New York, whose photograph was identified by Jowers, Ray, and others, was not connected to the assassination. Earlier, in 1997, a Shelby County Grand Jury also concluded that there was no credible evidence to justify investigation of any of Jowers' claims.

II. DESCRIPTION OF THE INVESTIGATIVE PROCESS

A. The Investigative Team

Our investigative team consisted of four attorneys from the Department of Justice and three federal investigators.(3) No one on the investigative team, or supporting it, was involved in any prior official investigation of the assassination.(4) We utilized the United States Secret Service (USSS) forensic laboratory to test and analyze the documents Wilson allegedly retrieved from Ray's car and to conduct handwriting comparisons with the written entries on them. Other governmental forensic services and private experts performed analysis pertaining to other issues.

B. The Investigation's Methodology

The investigative team reviewed materials generated by federal, state, and local law enforcement officials, prior investigations, private parties, the media, and courts. In the end, the investigative team considered tens of thousands of pages of documents, hundreds of items of evidence, hundreds of witness statements, and the extensive work product of private parties and other investigations.

With regard to official records, we examined documents and evidence from the original 1968 criminal investigation conducted by the FBI, state and local law enforcement, and the state prosecutor's office; the 1976-1977 investigation of the assassination by a Department of Justice Task Force (DOJ Task Force); the 1977-1979 investigation by the House Select Committee on Assassinations (HSCA); and the 1993-1998 investigation by the Shelby County, Tennessee District Attorney General's office. As to the HSCA investigation, we reviewed the 14 published volumes of testimony and evidence and, with the permission of the House Administration Committee, relevant records sealed at the National Archives since 1979. The FBI, the Central Intelligence Agency (CIA), and the Department of Defense also furnished relevant, and in some cases classified, records not available to previous investigations.

The investigative team also considered documents and information provided by private parties who have conducted their own investigations. Specifically, we spoke with Dr. William Pepper, who formerly represented James Earl Ray and currently represents the King family; Jack Saltman, producer of the 1993 HBO mock trial of James Earl Ray; Hickman Ewing, the "prosecutor" for the mock trial and a former United States Attorney in Memphis; Arthur Haynes, Jr., one of Ray's first attorneys; and Gerald Posner, an author who recently wrote a book about the King assassination, including the Jowers allegations. We considered information and materials each provided. In addition, we considered witness "testimony" from the 1993 HBO mock trial of James Earl Ray. We also reviewed relevant pleadings, discovery materials, and hearing transcripts from post-conviction and civil litigation related to the assassination, including evidence from the trial of King v. Jowers. Finally, we collected and read hundreds of newspaper and magazine articles and several pertinent books.

The investigative team reviewed these materials to determine whether there was any credible evidence to support any aspect of Jowers' or Wilson's allegations. The process was time-consuming and labor-intensive and the sheer volume of materials was enormous. In fact, because of the depth and number of prior investigations and the breadth of media coverage, most witnesses have given several prior statements, and some have provided as many as five detailed accounts of what occurred. For example, James Earl Ray's official statements and testimony, by themselves, cover more than a thousand pages.

At the outset, we reviewed the materials to learn about the assassination and prior investigations and to gain a historical perspective regarding claims relating to the crime. We analyzed prior statements, affidavits, and testimony of relevant witnesses to determine whether they were internally consistent and in accord with each other and other evidence. When we found significant contradictions, we investigated further in an attempt to determine reasons for the inconsistencies.

Notwithstanding the breadth of our review of the historical record, the investigative team did not consider everything related to the King assassination because of restrictions on time, resources, and access to documents. For example, because standard House of Representatives Rule VII mandates that the materials from the HSCA investigation, like all similar House records, remain sealed in the National Archives for at least 30 years, the House Administration Committee permitted us to review only information relevant to our investigation. As a result, while nothing we requested from the Committee was withheld, we did not examine the great volume of sealed records in their entirety. Rather, with the assistance of the HSCA's former chief investigator, we examined the records catalogue and then identified, obtained and studied all materials we believed to be pertinent. Also, while numerous books and articles have been written about the assassination, we did not review all of these works.(5) Nonetheless, we found nothing to suggest that we failed to review the necessary historical record to evaluate Jowers' and Wilson's allegations.

The investigative team also conducted its own original inquiry of the allegations, including interviewing more than 200 witnesses. We attempted to locate and interview every civilian and law enforcement officer who witnessed events related to the shooting or the recovery of Ray's Mustang. We also attempted to locate and interview all witnesses who had information relevant to the allegations by Jowers or Wilson or who purported to corroborate any portion of such allegations.(6) In addition, we interviewed individuals who previously investigated the assassination, who took statements from eyewitnesses, or who represented James Earl Ray. With regard to witnesses who were particularly significant, we interviewed, when appropriate, their friends, relatives, and associates. After a review of the evidence presented during King v. Jowers, we conducted additional witness interviews and records review as warranted.

We conducted most interviews in person. Some were conducted by telephone when necessary. When helpful and practical, we conducted interviews at the scene of the assassination. We also contacted and interviewed many witnesses more than once to clarify what they had said or to obtain further information based on what we subsequently learned from other sources.

Because our investigation comes more than 30 years after the crime, a number of witnesses, not surprisingly, have died or were unavailable due to poor health. We were also unable to interview a few persons because they refused to cooperate or could not be located. Even so, we were able to consider the observations and opinions of nearly all relevant witnesses since most persons who were now unavailable had given prior statements.

Scientific testing and analysis were conducted on the two documents we obtained from Wilson. We collected handwriting exemplars and known samples from relevant subjects to compare with the writing on the Wilson documents. Moreover, because one of the documents appeared to be a list of numbers and words, we had a cryptologist analyze the writing for evidence of a code.

We consulted several experts in firearms identification regarding testing and analysis performed over the years on the evidence discovered at the crime scene. We also had experts at Ford Motor Company evaluate photographs taken during the recovery of Ray's abandoned Mustang to determine whether its doors were ajar or unlocked, as Wilson claimed. In addition to inspecting the crime scene in person, we reviewed numerous photographs and diagrams of the area.

Despite the volume of material we obtained and reviewed and the number of witnesses we interviewed, our investigative options were sometimes limited. Most importantly, we had no subpoena power because the tolling of the statute of limitations on any underlying federal crime prevented the convening of a federal grand jury.(7) Thus, we were generally unable to obtain documents disclosing personal information about individuals and could not compel witnesses, such as Jowers or Wilson, to meet with us, answer questions, furnish information, or provide testimony under oath.

To the extent possible, the investigative team carried out its inquiry in the same manner it would have conducted any other federal criminal investigation. When appropriate, we advised witnesses that a willful and knowing false statement to our investigation could be prosecuted. We also explored the possibility of granting certain witnesses immunity from prosecution.

On one occasion, we sought the assistance of a federal court to obtain information. Because Wilson refused to provide us the original documents he allegedly took from Ray's car, we obtained a search warrant for his safe deposit box at his bank. Shortly thereafter, he released the documents to avoid execution of the warrant.

Our investigation and report were nearly finished in November 1999, when trial began in King v. Jowers. We monitored the trial, obtained transcripts of witness testimony, and conducted additional follow-up investigation as warranted. Accordingly, we have now considered all relevant information presented during the trial, as well as information derived from the additional investigation it prompted.

C. Scope Of The Investigation And Report

This investigation was not initiated to consider every allegation and all speculation about the assassination of Dr. King. Rather, the Attorney General specifically limited the scope of the investigation to Jowers' and Wilson's recent allegations and logical leads resulting therefrom. We respected the limits of our mandate, but at various times also considered whether it should be broadened.

During our investigation, various private parties presented allegations unrelated to those made by Jowers and Wilson. For example, Dr. Pepper and Dexter King, Dr. King's son, advised us of their view, which was also advocated during King v. Jowers, that the federal government and the United States military, as well as certain African American ministers closely associated with Dr. King, were involved in the assassination. As discussed in Section VII, we analyzed these conspiracy allegations and found they were unsupported by sufficiently credible evidence to warrant further investigation. Likewise, none of the allegations we received from other private parties were sufficiently substantiated to justify investigation.

This report presents a general discussion of factual information about the assassination and our specific findings and conclusions relating to the Jowers and the Wilson allegations. Section III of the report provides a brief overview of the events surrounding the assassination. We consider Jowers' allegations in Section IV, Wilson's allegations in Section V, allegations relating to Raoul in Section VI, and conspiracy allegations presented in King v. Jowers in Section VII. We conclude with our recommendation in Section VIII.

As a matter of fairness, we do not provide the names of persons accused of wrongdoing unless there is credible evidence to substantiate the accusation or they have already been the subject of substantial media attention. We nevertheless have provided all the information necessary to understand the accusations against them.

III. SUMMARY OF FACTS RELATED TO THE ASSASSINATION

On April 3, 1968, Dr. Martin Luther King, Jr. arrived in Memphis, Tennessee, to march in support of a labor strike organized by Memphis sanitation workers. Because a demonstration the month before erupted in violence, Dr. King, according to his associates, returned determined to lead a non-violent protest.

Dr. King and several associates checked into the Lorraine Motel on Mulberry Street, a motel in Memphis patronized primarily by African Americans. Dr. King's room, 306, was on the second floor, faced Mulberry Street, and had a door that opened onto a balcony directly above the motel's parking lot. The motel still exists but is now a museum.

Across from the motel on Mulberry Street are the backyard areas of buildings that front on South Main Street. South Main and Mulberry Streets run parallel to one another. Fire Station No. 2 faces South Main Street and is on the corner between South Main and Mulberry Streets. See Attachment 2, diagram of the area surrounding the Lorraine Motel.

At the time of the shooting, a fenced-in parking area was adjacent to the fire station on South Main Street, followed by Canipe's, a record store, and Jim's Grill, a tavern. Directly above Jim's Grill, on the second floor, was a rooming house. The backdoor to Jim's Grill opened to backyards, which overlooked Mulberry Street and the Lorraine Motel.

The buildings on South Main Street, as well as their backyards, are elevated and higher than Mulberry Street. A retaining wall, approximately eight feet high, extends from the street to the ground level of the backyards on Mulberry Street opposite the Lorraine Motel. At the time of the assassination, overgrown bushes and small trees bordered the backyards and the adjacent parking lot.

Loyd Jowers, who is white, owned and operated Jim's Grill, a tavern that served a racially-mixed group of customers and specialized in lunch and after-work beer drinking. After 4:00 p.m., Jowers generally worked alone or with one other person.

Sometime before 4:00 p.m. on April 4, 1968, James Earl Ray parked his white Mustang on South Main Street and, under an assumed name, rented a room in the second floor rooming house directly above the grill. That room and the communal bathroom at the end of the hall both had windows overlooking Dr. King's motel room at the Lorraine. Shortly after renting the room, Ray purchased binoculars from a nearby store and then returned to the rooming house.

Just before 6:00 p.m., Dr. King was outside on the balcony of the Lorraine Motel in front of his room. At about 6:01 p.m., while conversing with associates in the parking lot below, he was shot and fatally wounded by a single bullet fired from a 30.06 rifle. The shot came from the direction of the rear of the buildings on South Main Street across from the Lorraine.

Within minutes of the assassination, police found a "bundle" on the sidewalk in front of Canipe's record store. It contained a 30.06 rifle with a spent cartridge casing in its chamber, an attached scope, unfired 30.06 ammunition, and items belonging to James Earl Ray. Ray's fingerprints were on the rifle and scope.

Firearms testing could not positively determine whether the fatal shot was or was not fired from the rifle recovered in front of Canipe's. The markings on the bullet removed from Dr. King's body, however, match the general rifling characteristics of the discarded 30.06 rifle. General rifling characteristics are the consistent features inside the barrel of all rifles of the same model.

At the time of the shooting, a tactical team of twelve Memphis police officers and county deputies were in and around Fire Station No. 2. Another Memphis police officer was also at the rear of the station to conduct surveillance of Dr. King and his party. After Dr. King was shot, officers from the tactical team raced to the Lorraine and South Main Street. Other police officers quickly joined in searching the area around the Lorraine, as well as the buildings on South Main and their backyards.

Minutes after the shooting, a deputy sheriff entered Jim's Grill. Inside, Jowers was behind the counter and there were nearly a dozen customers. Law enforcement officers spoke with Jowers that evening and several times over the next few days.

Sometime after the assassination, Ray left Memphis and drove to Atlanta where he abandoned his Mustang the next day. Several days later, the FBI impounded and searched the Mustang. At the time, Donald Wilson was a new special agent in the FBI Atlanta field office.

After abandoning the Mustang, Ray fled to Canada, where he had traveled the previous year after his escape from prison. Following a massive search, law enforcement officers arrested Ray in London, England, two months after the assassination.

In March 1969, Ray pled guilty to murdering Dr. King. When he entered his plea, he stipulated to various facts, including that he: (1) purchased the 30.06 rifle; (2) parked his Mustang just south of Canipe's [between Canipe's and Fire Station No. 2]; (3) shot Dr. King from the second floor bathroom of the rooming house; (4) ran from the rooming house to his Mustang and dropped the rifle and other items in the "bundle" in front of Canipe's; and (5) left the scene in his Mustang. Thereafter, he was sentenced to 99 years in prison.

Three days after pleading guilty, and for the next 30 years until his death in April 1998, Ray repeatedly attempted to withdraw his plea and obtain a trial. Ray continually filed motions and separate lawsuits in both state and federal court. He claimed that his plea was involuntary, that he was denied the effective assistance of counsel, that he was imprisoned in violation of his constitutional rights, and that various persons had conspired against him. In 1994, Ray filed the last of his several state petitions for post-conviction relief, Ray v. Dutton. He sought to obtain a new trial based upon his claim that the 30.06 rifle, which the police discovered on South Main Street, was not the murder weapon. Additional firearms identification testing conducted pursuant to this claim was inconclusive. The petition was still pending in April 1998, when Ray died in prison.

In addition to Ray's post-conviction relief efforts, Dr. Pepper filed a false imprisonment civil suit in state court in 1994, claiming that Jowers and others conspired to kill Dr. King and frame Ray. That lawsuit, Ray v. Jowers, was dismissed in 1997.

After pleading guilty, Ray persistently maintained that he was innocent and not at the rooming house when the fatal shot was fired and that Raoul orchestrated the assassination plot, framing him. He nonetheless failed to provide a coherent, consistent description of his own activities with Raoul prior to the assassination or offer any affirmative evidence to corroborate his contentions.

Over the years, parties other than Ray have filed additional lawsuits related to the assassination. Most recently, after Ray's death in 1998, King family members, represented by Dr. Pepper, filed a civil complaint in Tennessee state court charging Loyd Jowers with participating in a conspiracy that resulted in the wrongful death of Dr. King. The evidence presented in the jury trial of that lawsuit is discussed in Section VII below.

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IV. JOWERS' ALLEGATIONS

A. Introduction

For several years beginning in the late 1960s, Loyd Jowers owned and operated Jim's Grill, a tavern located below the rooming house on South Main Street where James Earl Ray rented a room on the day of the assassination. In the late 1940s, Jowers was briefly a Memphis police officer. Subsequently, he made his living on and off over the years as a taxi driver and through ownership of a string of small businesses in Memphis, including Jim's Grill, another bar, and Memphis taxi cab companies. In the early 1990s, Jowers left Memphis for his hometown of Martin, Tennessee, where he opened a small convenience store. In late 1993, he moved to Arkansas.

For the first 25 years after the assassination, Jowers maintained in several statements to law enforcement officials and defense investigators that he was behind the counter serving customers in Jim's Grill when Dr. King was shot. He did not claim any involvement in or provide any significant information about the assassination.

In December 1993, Jowers appeared on ABC's *Prime Time Live,* radically changed his story, and "confessed" to having participated in a plot to kill Dr. King. Since that appearance, he has given additional statements about the assassination to the media, Dr. King's son Dexter King, Ray's attorney, a law enforcement agent, relatives, friends, and courts. In these statements, Jowers has repeatedly changed key aspects of his new story, disavowed his confession, and even retreated to his long-standing account of the previous 25 years.

The investigative team analyzed the contents of Jowers' many statements. We also interviewed numerous witnesses and reviewed tens of thousands of pages of documents, including transcripts from the King v. Jowers trial, to determine whether there is credible evidence to support any aspect of Jowers' varied accounts. Finally, we attempted to interview Jowers, but he refused to speak with us.

B. The Origin Of Jowers' Allegations

1. Statements between 1968-1992

Jowers spoke to the Memphis police and the FBI a total of four times within five days of the assassination. He later talked to investigators working on behalf of James Earl Ray. In each of these accounts, Jowers consistently described his own uneventful activities at Jim's Grill on the afternoon of the assassination. He told authorities that he arrived at the tavern around 4:00 p.m. and noticed a white Mustang in his usual parking spot in front of the grill. At around 6:00 p.m., while behind the counter in the front of his tavern, he heard a loud noise and went to the kitchen to investigate. When he saw nothing unusual, he returned to serve his customers. He was behind the counter when the police arrived minutes after the shooting.(8)

During the next quarter of a century, Jowers revealed nothing about the assassination that was materially different from his original accounts. In discussions with HSCA staff and Ray's investigators, as well as in testimony in a legal proceeding in which Ray sought to withdraw his guilty plea, Jowers focused exclusively on his observations of the Mustang and potential witnesses in the rooming house and the grill.(9)

2. The Evolution of the Alleged Confession

In 1992, Jowers hinted that his story was about to change. That year, Home Box Office (HBO) and Thames Television of London initiated a project to produce and televise a mock trial of James Earl Ray. The producers hired Ray's real-life attorney, Dr. William Pepper, to represent him, and Hickman Ewing, the former United States Attorney in Memphis, to be the prosecutor. From the show's $3 million budget, they gave each side an expense account in excess of $100,000 to hire investigators, pursue leads, and prepare its case. As the investigators and production crew came to Memphis, public interest in the King assassination increased substantially. The program, which included the mock jury's verdict of not-guilty, ultimately aired in April 1993, on the 25th anniversary of the assassination.

In December 1992, Jowers met in his attorney's office with a prosecutorial investigator working on the mock trial. In the reception room, without his attorney, Jowers repeated the story he had been telling for years. He added that the gunshot had come from inside the building since he believed that he would not have heard a noise from outside.

Immediately after the reception room conversation, the investigator met with Jowers and his attorney, Lewis Garrison. During the meeting, Garrison revealed that Jowers had information that would put "a different slant" on the assassination. He would not, however, disclose the information. Instead, he stated that Jowers wanted more compensation than the standard $40 per day witness fee provided participants in the mock trial.

In January 1993, Jowers testified at the mock trial for the defense. He essentially repeated what he had been saying since 1968. Jowers was somewhat unclear as to whether he had actually heard a gunshot, but again claimed that he went to the kitchen to investigate a noise. Significantly, he denied telling anyone that he had found a gun and kept it under the counter at Jim's Grill after the assassination.

In the fall of 1993, Garrison forwarded a written request for immunity to the Shelby County District Attorney General on behalf of five unnamed clients, later determined to include Jowers, his former girlfriend Betty Spates, and two of his former co-workers in the taxicab business, James McCraw and Willie Akins. The request provided very little detail and stated that an unnamed person (Jowers) received money to hire Dr. King's assassin. It further maintained that immediately after the shooting, the assassin passed the murder weapon to Jowers, who disassembled and hid it. The request also stated that Jowers "had close contact with some persons employed by the Memphis Police Department" and included representations from Garrison's other clients inculpating Jowers in the plot. The District Attorney General was not persuaded by the limited proffer and did not grant immunity to any of Garrison's clients.

After submitting the request for immunity, Jowers and Garrison met with Jack Saltman, one of the producers of the televised mock trial. Jowers revealed his alleged involvement in the assassination and, for the first time, provided details of the alleged plot, including the names of the alleged assassin and other co-conspirators. Because Jowers did not have immunity, his statement to Saltman was an admission that could be used against him in a criminal prosecution.

3. Jowers' 1993 Televised *Prime Time Live* Appearance

In December 1993, after his discussion with Saltman, Jowers agreed to an interview with ABC journalist, Sam Donaldson. The interview aired on *Prime Time Live* on December 16, 1993. At Jowers' request, the network partially shaded his face, but broadcast his full name and the fact that he was from Memphis. Jowers' attorney, Lewis

Garrison, also appeared on the program.

During the interview, Jowers announced that he was "indirectly" involved in a conspiracy to kill Dr. King. He explained that Frank Liberto,(10) a Memphis produce dealer, asked him to "hire someone to assassinate Dr. Martin Luther King." Donaldson also reported that Jowers claimed to have received approximately $100,000 as part of the assassination plot at his grill sometime before the murder.

Jowers further asserted that a man with a name sounding like Raoul "brought a rifle in a box" and "asked [him] to hold [it] [un]til * * * he made arrangements or we made arrangements, one or the other of us, for the killing." According to Jowers, Liberto said that the police "wouldn't be there" and "it'd be set up where it looked like someone else had done the killing." Jowers also added that he did not believe that James Earl Ray knew he was part of the plot. When Jowers revealed that he had hired the killer, his attorney Garrison abruptly terminated the interview, saying Jowers has "gone as far as we can." In an off-camera interview with program producer Ira Rosen, however, Jowers specifically named the assassin, identifying an African American man who was found on South Main Street by the police after the shooting.

4. Subsequent Statements

Since *Prime Time Live* , Jowers has made several statements to the media and private parties regarding the assassination. Additionally, his attorney Lewis Garrison has made statements to the media, private parties, and an attorney with our investigation. Garrison also advocated Jowers' position in both King v. Jowers and Ray v. Jowers, an earlier false imprisonment civil suit filed by Dr. Pepper on behalf of Ray. Nonetheless, Jowers would not speak with our investigation and did not testify during King v. Jowers, where he was the only party sued.

In November 1994, Jowers testified under oath in a deposition in Ray v. Jowers. In April 1997, he spoke about his allegations in a recorded telephone conversation with Mark Glankler, an investigator with the Shelby County District Attorney General. Jowers also talked to Dexter King, Dr. King's son, on two occasions, in October 1997 and March 1998, joined by Dr. Pepper and Ambassador Andrew Young, respectively. In April 1998, Jowers appeared a second time on *Prime Time Live* . Additionally, since 1993, Jowers has spoken about his conspiracy claims on several occasions to friends and a close relative.

Garrison filed answers to the complaints in Ray v. Jowers and King v. Jowers in October 1994 and October 1998, respectively, and amended the latter in 1999.(11) In March 1995, in Jowers' presence, Garrison spoke with Dr. Pepper, and in April 1997, without Jowers, he talked to author Gerald Posner. In March 1999, Garrison discussed Jowers' allegations with an attorney from our investigation. He also represented Jowers' position at the trial of King v. Jowers and on several occasions made comments to the media regarding Jowers' claims.

On three occasions when Jowers spoke about his conspiracy claims, he essentially disavowed them. In his 1994 deposition -- the only statement he has made under oath -- Jowers repeated the account he originally gave soon after the shooting, and did not claim any involvement in the assassination. He also repudiated his conspiracy allegations in separate conversations with District Attorney General investigator Glankler and a close relative.

Jowers' remaining statements are inconsistent with both one another and the original

Prime Time Live interview. Among other things, Jowers has vacillated about the identity of the assassin, his own role in the alleged conspiracy, the disposal of the alleged murder weapon, and the degree to which Memphis police officers were involved. To the extent there are any common elements to his varied accounts, he has maintained that he participated in a plot with Liberto, Raoul, and Memphis police officers to smuggle money and a rifle into Jim's Grill. Jowers also has alleged that the assassin fired from behind the grill and that he received and concealed the murder weapon from him immediately after the shooting.

Garrison's statements on Jowers' behalf, including his closing argument in King v. Jowers, are inconsistent with each other and Jowers' own varied accounts. Additionally, when speaking to an attorney from our investigation, Garrison acknowledged that Jowers had lied.

C. Analysis Of Jowers' Statements Since 1993

Since 1993, Jowers' statements have deviated significantly from both the account he gave on *Prime Time Live* and each other.

1. Statements Rejecting Conspiracy Claims

a. Statement under oath

Jowers has never made his conspiracy claims under oath. In fact, although he was the only party being sued, he did not testify in King v. Jowers.

In his only statement under oath since his 1993 revelation, Jowers did not confess. Specifically, in a November 1994 sworn deposition in Ray v. Jowers, approximately a year after his initial appearance on *Prime Time Live* , Jowers refused to adopt his televised confession. When asked about the truth of his comments on *Prime Time Live* , he invoked his Fifth Amendment privilege against self-incrimination. He did not, however, resist discussing the events surrounding the assassination. Rather, he retreated to his 1968 account. Repeating what he had said many times before, he testified that while serving customers at Jim's Grill, he heard a noise, briefly inspected the kitchen, and immediately returned to the counter.(12)

b. Other repudiations

Central to Jowers' conspiracy allegations are his claims that he concealed the murder weapon after the assassination and that James Earl Ray was not the shooter. Together, these assertions necessarily imply that the 30.06 rifle with Ray's fingerprints found by the police in front of Canipe's store was not the weapon that fired the shot that killed Dr. King.

In April 1997, in a tape-recorded conversation with Shelby County District Attorney General's office investigator Mark Glankler, Jowers disavowed this key aspect of his story and characterized it as "bullshit." Jowers had telephoned Glankler to complain about investigators interviewing his relatives (emphasis added):

> **Jowers**: Well tell him [Jowers' attorney Garrison] you heard all this from my relatives, okay?
>
> **Glankler**: Sure.

Jowers: But now you can believe this. What I've told you so far, which wasn't very much. Now I, I got to tell you this. I got to tell you this. That rifle -

Glankler: Yes sir.

Jowers: Is the one that killed Martin Luther King.

Glankler: Which - which one? The one that in the uh-

Jowers: Yeah.

Glankler: Evidence room now?

Jowers: Yeah.

Glankler: That is or is not?

Jowers: That is.

Glankler: Okay.

Jowers: There was no - there was no second rifle.

Glankler: Okay.

Jowers: All that bullshit they come up with a second rifle or a second firer -- that's bullshit.

Glankler: Uhuh (indicating yes)

Jowers: There wasn't no second one.

The timing of Jowers' disavowal may be significant. The conversation occurred not only when Jowers' allegations were under investigation by the District Attorney General, but also at the time of the court hearings concerning Ray's motion for additional testing of the rifle, referred to in the above conversation as the rifle in the evidence room.

Jowers'attorney later offered an explanation for Jowers' comments. Garrison told an attorney with our investigation that Jowers falsely stated there was "no second rifle" because he wanted to stop the prosecutor's office from interviewing his family members, and he hoped to influence Ray's pending motion for additional testing on the rifle. According to Garrison, Jowers reasoned that, if the judge doubted the existence of a second rifle, he would be more inclined to grant Ray's motion.

If Garrison is wrong and Jowers told Glankler the truth, Jowers' allegations are in fact false. If Garrison is right, then Jowers lied to influence an ongoing court proceeding. Either way, Jowers' claims about a second rifle and a different shooter are suspect. In the first scenario, Jowers has expressly conceded the central features of his allegation are false. In the second, by lying -- and doing so with an unquestionably unlawful motive -- he has severely undermined his own credibility.

Jowers also repudiated his conspiracy claims in a one-on-one conversation with a family member, with whom he speaks frequently. Sometime after his first appearance on *Prime Time Live* , the relative asked Jowers whether he was actually involved in the assassination. According to the relative, Jowers answered, "Hell, no." The fact that the response was spontaneous and occurred during a private conversation with a very close relative suggests that it was truthful.

2. Contradictory Conspiracy Claims

Setting aside Jowers' repudiations of his conspiracy allegations, his statements claiming involvement in the assassination contradict each other on almost every key issue.

a. The man who allegedly shot Dr. King

Since 1993, Jowers has identified different people as Dr. King's assassin. He has alternatively claimed that the shooter was: (1) an African American man who was on South Main Street on the night of the assassination (the "Man on South Main Street"); (2) Raoul; (3) a white "Lieutenant" with the Memphis Police Department; and (4) a person whom he did not recognize.(13)

Initially, during a 1993 interview with HBO mock trial producer Jack Saltman, Jowers identified the assassin as an African American man, whom the police ushered into Jim's Grill from South Main Street minutes after the shooting. He named the same man during a subsequent interview with *Prime Time Live* producer Ira Rosen. Jowers, however, dropped the allegation shortly thereafter once the man, whom the media located and interviewed, passed a polygraph examination in which he denied any involvement. According to Dr. Pepper, Garrison later claimed that one of Jowers' friends, Willie Akins, who appeared on *Prime Time Live* with Jowers and Garrison, had actually concocted the story and that Jowers "[went] along" with it.

In April 1997, Garrison met with author Gerald Posner and suggested a new assassin -- Raoul. Speaking on behalf of Jowers, Garrison suggested that Raoul fired the fatal shot from behind Jim's Grill. Garrison stated, "Raoul came in [Jim's Grill] around five thirty and took the gun and went out back. Later, he gave the gun to Jowers after the shooting."

Later, when speaking to Dexter King in October 1997 and again in March 1998, (14) Jowers did not repeat Garrison's claim about his taking the rifle from Raoul after the shooting. Instead, he accused someone else of being the assassin who handed him the rifle after the shooting. This time it was the "Lieutenant," a conveniently deceased, white, high-ranking Memphis police officer. Jowers claimed that he was close to and regularly hunted with the "Lieutenant," even though he previously testified under oath that he had never associated with him.

In the same conversation, Jowers hedged about whether the "Lieutenant" actually shot Dr. King. He said, "I'm sure it was [the "Lieutenant]"; "I couldn't swear that it was [the "Lieutenant,"] * * * but I believe it was"; and "I'm almost positive, but -- but now, as far as seeing his face, I did not."

In April 1998, only a month after his second conversation with Dexter King and Ambassador Andrew Young, Jowers backed off all of his earlier allegations that he knew the identity of the assassin. Appearing on *Prime Time Live* a second time, he told a polygrapher -- who concluded he was deceptive when claiming involvement in the assassination -- that he did not recognize the assassin when he received the rifle from him behind Jim's Grill.

Recently, during King v. Jowers, William Hamblin, a former taxicab driver who worked for Jowers, confirmed that Jowers and his friend James McCraw (see Section IV.D.1.c. below) named several different people as the assassin. Testifying about Jowers' and McCraw's allegations about the assassin, Hamblin remarked "they've named every policeman in the graveyard. Every time they get scared, they'll name another policeman as being the murder man."

b. Disposal of the alleged murder weapon

Jowers has given numerous contradictory accounts about the ultimate disposal of the murder weapon. Initially, the morning after the assassination, Jowers told Bobbie Balfour, a waitress at Jim's Grill, that the police found the murder weapon shortly after the assassination. According to Balfour, Jowers bragged that the police had actually found the rifle in the backyard of his grill. In fact, the police had found a rifle with James Earl Ray's fingerprints in front of Canipe's music store.

In 1993, when he first claimed that he was part of a conspiracy to murder Dr. King, Jowers maintained that the police did not have the actual murder weapon. When speaking with TV producer Jack Saltman, Jowers said that he himself received the murder weapon from the assassin immediately after the shooting, hid it in his tavern, and then later took it away in the trunk of his car.

By 1994, Jowers was no longer claiming that he personally disposed of the alleged murder weapon or knew precisely what had happened to it. In March of 1995, Garrison, in Jowers' presence, told Dr. Pepper that the day after the assassination, Raoul had actually come to Jim's Grill and picked up the rifle.

In 1997, Jowers did a complete about-face during a private telephone conversation with an investigator from the Shelby County District Attorney General's office. Implying that he had not participated in any conspiracy to assassinate Dr. King, he disavowed the existence of any murder weapon other than the rifle discovered by the police with Ray's fingerprints. During the conversation, Jowers told investigator Glankler, as previously noted, that the story about "a second rifle or a second firer -- that's bullshit." See Section IV.C.1.b. above.

In March 1998, Jowers returned to the version presented by Garrison in 1995. He told Dexter King that Raoul came into his grill on the day after the assassination, "picked it [the rifle] up," and "[w]alked on out the front door with it." A month later, according to Jowers' close friend, cab driver James Milner, Jowers repeated his claim that he gave the rifle to Raoul the day after the assassination.(15)

On a related issue, Jowers has also given different stories about his alleged receipt of the murder weapon after the shooting. In 1995, Garrison, speaking in Jowers' presence, told Dr. Pepper that Jowers picked up the rifle off the ground from the bushes behind Jim's Grill. A few years later, when speaking to Dexter King and later to the ABC polygrapher, Jowers said the assassin threw him the rifle at the backdoor of the tavern.

c. Jowers' alleged hiring of a hit man

Jowers has claimed fundamentally differing roles in the conspiracy. In his initial revelations to Saltman and on *Prime Time Live,* he alleged that Liberto gave him $100,000 to find and hire the assassin. Jowers told Saltman he paid the hit man $10,000 and kept the rest for himself. He retreated from this claim, however, when the media tracked down "the Man on South Main Street."

Once Jowers abandoned the hit man story, he was nonetheless left with his allegation that he had been given $100,000. In an apparent effort to account for Jowers' prior claim, Garrison told Dr. Pepper and author Gerald Posner in 1995 and 1997, respectively, that his client merely held the money for Liberto until it was picked up by a co-conspirator. Garrison said Jowers agreed to the job for forgiveness of a debt. In March 1998, when Jowers spoke to Dexter King, he acknowledged holding the $100,000, but failed to mention the alleged debt.

In April 1998, just a month later, Jowers not only contradicted his statement to Dexter King, but also managed to make two inconsistent statements about his alleged role within a span of twenty minutes. In a conversation with the polygrapher shortly before his second appearance on *Prime Time Live* , Jowers denied that Liberto gave him $100,000 to kill Dr. King. Later, on camera, he flip-flopped, returning to his original story that Liberto gave him money to hire a "hit man."

d. The purpose of the alleged conspiracy

Jowers has also been inconsistent as to when and whether he knew the object of the conspiracy. During the first *Prime Time Live* interview, Jowers stated (emphasis added):

> **Jowers**: He [Liberto] asked me to handle some money transactions, to hire someone to assassinate Dr. King.(16)
>
> **Donaldson**: To kill Dr. King?
>
> **Jowers**: Yes, sir. He asked me if I knew someone. I told him I thought I knew someone who would probably do it.
>
> **Donaldson**: And he gave you some money?
>
> **Jowers**: Yes, sir.

In recent versions of his story, Jowers has done a complete about-face, claiming that he did not know that Dr. King was the intended victim or even that an assassination was the purpose of the plot. In March 1998, Jowers specifically told Dexter King and Ambassador Young that Liberto never told him the reason for his receiving the money. Rather, Jowers explained, "I figured [the money] was to buy a gun or dope, whatever it was he was dealing in." He further elaborated that when Liberto finally informed him -- after the assassination -- that the "ton of money * * * that's what it cost me to get King killed," he was so surprised he "almost dropped the damn phone."

After Jowers left the room, Garrison explained to Dexter King that his client had failed to acknowledge that he knew Dr. King was the target because of his discomfort in making the admission directly to Dr. King's son. Several months later, however, Garrison contradicted that explanation. In October 1998, the Memphis *Commercial Appeal* quoted Garrison as saying that Jowers' defense to the King family's wrongful death suit was "that he was involved but that he did not know it was Dr. King."

While Jowers did not testify in King v. Jowers, Garrison presented Jowers' current position in his opening and closing statements. Garrison, making alternative arguments, claimed both that Jowers did not know Dr. King was a target and that even if he did, he was merely "a small-time greasy-spoon cafe operator who played a very insignificant part in this case, if anything."

e. The alleged additional co-conspirator

Jowers has consistently claimed that in addition to Liberto and the assassin, another person was involved in the plot. Jowers, however, has been inconsistent as to both the co-conspirator's identity and role.

?

In his initial statement about the alleged conspiracy to producer Jack Saltman, Jowers used both the names "Hardin" and "Royal" to refer to the alleged co-conspirator. Jowers did not actually articulate the name Raoul until he spoke with Dexter King years later. Even then, however, when King asked Jowers about Raoul, Jowers replied, "[t]hat's what they said his name was. I don't believe that's his name * * * Why would a man use his own name when he is involved in something like [this]?"(emphasis added). Garrison then interjected that his client had misheard the man's name to be "Royal," and Jowers agreed. A month later, when a polygrapher asked Jowers the same question about Raoul during his reappearance on *Prime Time Live,* he similarly responded, "I don't know, his name was 'Royal.'"

Jowers also repeatedly changed his account of what the alleged co-conspirator did. In his initial story to Saltman, "Hardin" or "Royal" had nothing to do with the rifle once he delivered it to Jim's Grill. Rather, according to Jowers, the alleged assassin -- the "Man on South Main Street" -- retrieved the rifle prior to the assassination, used it to shoot Dr. King, and immediately gave it back to Jowers to conceal.

Once the media discredited Jowers' story about the "Man on South Main Street," Jowers modified the alleged additional co-conspirator's responsibilities. In a conversation with Dr. Pepper in March 1995, Garrison said that Raoul not only delivered the gun to Jim's Grill, but also picked it up two hours before the assassination and returned the next day to take it away. Subsequently, Jowers slightly altered the account, telling Dexter King that he only assumed Raoul picked up the gun prior to the assassination, but did not actually see him do so.

Jowers also expanded the other co-conspirator's role with respect to the money. In his first *Prime Time Live* appearance and in his prior discussion with Saltman, Jowers claimed that he gave part of the money to the "Man on South Main Street" -- not to Raoul -- and kept the remainder for himself. In 1998, however, after discarding his claim about hiring a hit man, Jowers told Dexter King that Raoul picked up the money after the assassination and "walked on out the front door."

f. The alleged role of Memphis police officers

Jowers has given different accounts of the alleged involvement of Memphis police officers in the plot to assassinate Dr. King. In his 1993 interview with Saltman, Jowers reported that "Hardin" or "Royal" explained that an African American "Undercover Officer" would "coordinate things" with the police. A few months later on *Prime Time Live* , Jowers added that Liberto "[s]aid they [the police] wouldn't be there that night." Again in 1995, when speaking to Pepper through Garrison, Jowers maintained that the police "would be nowhere in sight."

In 1997, Jowers expanded his allegations regarding the role of the Memphis police. In April 1997, Garrison, who claimed to have recently spoken to Jowers, told author Gerald Posner that several police officers met in Jim's Grill to plot the assassination. According to Garrison, Jowers did not name all the officers who participated, but did identify a specific "Undercover Officer," who had been near Dr. King at the time of the shooting. He also named a "Homicide Inspector" and a "TACT Inspector," who led the tactical (TACT) patrol units established because of the sanitation workers' strike.

In October 1997 and March 1998, when meeting with Dexter King, Jowers altered and further expanded Garrison's account. First, Jowers named different officers than those identified by Garrison as the participants in the meeting at Jim's Grill. Specifically, Jowers related that an officer, who had been his "Former Partner" when he was a policeman, was also involved in the meeting, but he did not name the "TACT Inspector," whom Garrison had identified as a participant.(17) More significantly, Jowers claimed not only that the officers plotted the crime in his tavern, but that one was actually the assassin. He asserted that a now deceased, high-ranking "Lieutenant" both participated in the meeting and later shot Dr. King. See Section IV.C.2.a. above. In his conversation with Gerald Posner, Garrison had not mentioned the "Lieutenant" at all.

Subsequently, Jowers abandoned his claims about the police altogether. When he spoke to the polygrapher with ABC in preparation for his April 1998 *Prime Time Live* appearance, he did not mention the meeting at Jim's Grill or the "Lieutenant." As previously discussed, he contended that he did not recognize the man who threw him the rifle. In response to a question about the police's involvement, he also said that he was not "absolutely sure" whether they played any role whatsoever.

3. Summary of Jowers' Statements since 1993

Jowers has never adopted his conspiracy allegations while under oath. Rather, on the one occasion where he was sworn to tell the truth, in his deposition in Ray v. Jowers, he retreated to his 1968 account of what occurred. He has also stated that his conspiracy claims are false during private conversations with both an investigator with the Shelby County District Attorney General's office and a close relative.

Moreover, when Jowers has confessed to the media and private parties, he has been dramatically inconsistent on virtually every aspect of the alleged conspiracy. His attorney has also given contradictory versions of the story and admitted that Jowers once failed to tell the truth. Thus, on their face, Jowers' allegations about a plot to kill Dr. King appear to be unworthy of belief.

D. Analysis Of The Evidence

Apart from analyzing the content of Jowers' statements, the investigative team considered whether there is any evidence to corroborate Jowers' claim that he and his purported co-conspirators carried out a plot to assassinate Dr. King. To make our assessment, we set aside the numerous contradictions in Jowers' conspiracy claims and examined the central, factual questions that Jowers has raised: (1) whether Jowers received a rifle behind Jim's Grill from the assassin; (2) whether Jowers concealed the rifle after the shooting; (3) whether Liberto gave Jowers money to conceal in Jim's Grill; and (4) whether Memphis police officers were involved in the plot.(18)

Focusing on these four areas, we interviewed every available civilian witness and law enforcement official known to have been at Jim's Grill, the Lorraine Motel, or the general area of the shooting on the night of the assassination, as well as other individuals who might have information pertinent to Jowers' claims. We also inspected the crime scene and reviewed tens of thousands of pages of documentary evidence, including numerous witness statements, transcripts of testimony in King v. Jowers, photographs, and reports.

1. The Murder

a. Jowers' alleged receipt of the assassin's rifle

According to Jowers, a co-conspirator instructed him to be at the backdoor of Jim's Grill at 6:00 p.m. on the evening of the assassination.(19) Jowers claims that while standing at the door, he heard a shot, and then, depending on the statement, either retrieved the rifle from the ground or caught it when the assassin threw it to him.

(1) Implausibility of Jowers' knowing the time of the shooting

On April 4, 1968, Dr. King and his associates were scheduled to have dinner at the home of Reverend Samuel Kyles, a Memphis minister. Reverend Kyles told our investigation that he expected everyone around 6:00 p.m. but invited his guests for 5:00 p.m., because Dr. King always ran late. Consistent with Reverend Kyles' account, several of Dr. King's associates confirmed that at close to 6:00 p.m. they began assembling in the parking lot of the Lorraine. Dr. King, who was also preparing to leave, exited his second floor room onto the balcony with Reverend Kyles and made casual conversation with his associates below. Dr. King was then shot.

Jowers' allegation that a co-conspirator instructed him to be at the back of Jim's Grill at 6:00 p.m. presumes, first, that the co-conspirator knew that the assassination was to occur precisely at 6:00 p.m. and, second, that someone in Dr. King's party was part of the conspiracy and arranged for Dr. King to be on the balcony at that time. Both presumptions are implausible. Unless someone from Dr. King's group knew and advised the alleged conspirators in advance that Dr. King would leave for his scheduled 5:00 p.m. dinner exactly an hour late, a co-conspirator would not have known to instruct Jowers to be at the rear of Jim's Grill at the precise time of the shooting.

The presumption that a co-conspirator received information from someone in Dr. King's party is also completely unsubstantiated. While there have been accusations over the years, and during the King v. Jowers trial, that associates of Dr. King were implicated in a plot to kill him, we are aware of no reliable evidence to support such speculation.(20) Indeed, our investigation discovered nothing to suggest that Dr. King's 6:00 p.m. presence on the balcony was anything but coincidental or that Jowers or anyone else anticipated his being there precisely at that time. Accordingly, Jowers' claim that he was directed by a co-conspirator to be at the rear door of Jim's Grill at 6:00 p.m. is not credible.

(2) Absence of corroborating evidence

Jowers contends that he received the murder weapon from the assassin immediately after the shooting. In most of his conspiracy claims, he has maintained that the assassin gave or threw him the rifle in the area of the backdoor of Jim's Grill. According to Dr. Pepper, however, Jowers also twice stated -- once through Garrison and once himself -- that he went to the brush area of the backyard and retrieved the rifle from the ground.

No physical evidence exists to support Jowers' inconsistent claims. As discussed in more detail in Section IV.D.1.b.(1) below, within minutes of the assassination, the police searched for footprints in the backyard of Jim's Grill. Although they left their own footprints because the ground was wet from the previous night's heavy rainstorm, they did not find any prints consistent with Jowers' story. In fact, while they located one pair of footprints pointing away from the Lorraine in an alley adjacent to the grill, they found none by the backdoor. The absence of such physical evidence undermines Jowers' claim that he was behind Jim's Grill at the time of the shooting.

Eyewitness evidence also fails to support Jowers' claim that he was behind Jim's Grill at the time of the assassination. While the balcony of the Lorraine offered an excellent view of the grill's backyard, including its backdoor, three persons with that vantage point reported seeing nothing to support Jowers' claim. Reverend Samuel Kyles, whom we interviewed, was a few feet away from Dr. King when the shot was fired. According to her 1968 interviews with law enforcement investigators, Ceolar Shavers, a maid at the Lorraine whom we were unable to locate, was also on the balcony. Additionally, Joseph Louw, a South African news producer, whom we also interviewed, emerged onto the balcony from his second floor room seconds after the shooting. All three looked into the backyard -- Kyles and Shavers immediately after hearing the shot and Louw after he went to the doorway of his room. None reported seeing anyone or anything unusual in the backyard area.

Witnesses on the ground level of the Lorraine could not see the backdoor of Jim's Grill because of the elevated backyard. However, right after the shot, Ambassador Andrew Young and other members of Dr. King's party rushed up the stairs from the parking lot to the balcony to assist Dr. King. Like Shavers, Louw, and Kyles, none of these additional witnesses who looked from the balcony reported seeing anyone or anything unusual behind Jim's Grill.

(3) The alleged corroborating witness

We found no corroboration for Jowers' allegation that he brought a rifle through the backdoor of the tavern immediately after the shooting, except a single witness -- Betty Spates. At the time of the assassination, Spates was 17 years old, Jowers' girlfriend, and a part-time waitress at Jim's Grill. In 1993, Garrison represented both Jowers and Spates, and, at least until that time, his two clients maintained regular contact.

In an affidavit dated March 8, 1994, prepared by Dr. Pepper, Spates claimed that at just after 6:00 p.m., while in the kitchen of Jim's Grill, she saw Jowers come through the backdoor holding a rifle with a scope. She said that Jowers carried the rifle by his side into the public area of the tavern and hid it under the counter. According to the affidavit, this was the second rifle Jowers had in Jim's Grill that day. The first rifle, which Spates said she saw around noon, was longer, lighter in color, and had no scope.

(a) Contradictory statements

Spates gave a sworn statement to District Attorney General investigators a little over a month before executing the March 1994 affidavit and testified under oath in a deposition several months thereafter. In each of these sworn statements, she contradicted precisely the points in her affidavit that allegedly support Jowers' claims about the conspiracy.

In her January 1994 sworn statement to the District Attorney General's office, Spates unequivocally denied both that she was at the grill around 6:00 p.m. and that she saw Jowers with a rifle at that time. Additionally, instead of claiming that she twice saw Jowers with different rifles, she said he had only one and that was at noon.(21)

In her other sworn statement, a deposition given under oath in November 1994 in Ray v. Jowers, Spates again contradicted her affidavit and gave still another version of events.

When asked whether she was at the grill at 6:00 p.m. on the day of the assassination, she initially testified that she did not know. Later, when reminded of what she had alleged in her affidavit, she stated, "I just don't remember these times." She similarly equivocated about whether she saw Jowers with a rifle at any time on the day of the assassination. Thus, after having earlier denied and then admitted under oath details crucial to Jowers' allegations, Spates suddenly did not know or could not remember what had occurred.

Spates also conceded that she had no information linking Jowers to the assassination during a tape-recorded conversation with her sister, Bobbie Balfour, just over a month before she signed the affidavit. In that conversation, which unbeknownst to Spates was lawfully tape-recorded by District Attorney General investigators, she said that she was not at the grill at 6:00 p.m. on the day Dr. King was killed. When speaking about Jowers and the assassination, Spates added, "[p]eople think we know something we don't."

Spates did not testify in the trial of King v. Jowers. Nor did she speak with our investigation. See Section IV.D.1.a.(3)(c) below. Thus, her statements, including those under oath, remain contradictory.

(b) Evidence refuting the account

There is no independent evidence to support Spates' intermittent claim that she was at Jim's Grill at 6:00 p.m. on the day of the assassination. In fact, evidence establishes otherwise.

Within minutes of the shooting, a deputy sheriff entered Jim's Grill and instructed Jowers to lock the door. Thereafter, police investigators compiled a list of every witness inside. Spates' name does not appear on that list.(22)

Moreover, no witness places Spates in the grill at the time of the assassination. In fact, none of the patrons we interviewed remembered seeing Spates. Jowers, too, has claimed that Spates was not at the tavern. In his deposition in Ray v. Jowers, he testified under oath that Spates did not work on the day of the assassination. Similarly, in several of his accounts, he denied that Spates was in the grill.(23) Jowers' representations are particularly significant, because they refute the only corroboration for the unsubstantiated story he has sought to promote.

While none of the key points in Spates' March 1994 affidavit are corroborated, at least one is implausible on its face. Spates claimed that Jowers, without taking any precautions, carried the rifle, uncovered and at his side, from the kitchen through the bar area of Jim's Grill and hid it under the counter. It is doubtful that Jowers, allegedly attempting to hide the murder weapon, would have taken it from a private kitchen into a crowded, public area. It is equally implausible that he would have carried the rifle into a room full of witnesses without concealing it and without anyone seeing it.

(c) Other indicia of unreliability

Spates' contradictory claims about the King assassination are not new. Thirty years ago, she reportedly accused her boss (presumably Jowers) of involvement in the assassination. Days later, when investigators from the Shelby County District Attorney General's office confronted her with the accusation, she claimed she never made it.

In early 1969, prior to Ray's guilty plea, two bail bondsmen advised law enforcement officials that Spates claimed that her "boss man," who had been Jowers, shot Dr. King and that Ray was innocent. According to them, Spates made the comment while arranging to get her brother out of jail. The bondsmen's purported tape recording of the telephone conversation with Spates cannot be located.

Investigators from the District Attorney General's office, including Clyde Venson, questioned Spates about the bondsmen's report shortly after they received it. According to Venson, whom we interviewed, Spates denied both making the statement and having any knowledge about the assassination. Venson's recollection is confirmed by a transcript of Spates' interview, dated February 12, 1969.

Spates' conduct in 1994 duplicated what she appears to have done in 1969. At both times, she made a critical allegation about the assassination but, when confronted by law enforcement officials, denied ever making the allegation and refuted its truth.

Spates' reliability is further undermined by the fact that she has not been forthright with our investigation. By telephone, Spates agreed to a meeting at her home in Memphis in April 1999. When members of our team arrived, however, Spates denied her identity and said "Betty Spates" was not at home but would be back later. When members of our team returned after an hour, Spates again stated that "Betty Spates" was not at home and misrepresented her identity, claiming her name was "Sharon."

Subsequently, we sent a letter to Spates, memorializing what had occurred, reiterating our purpose, and inviting her to call if she changed her mind about speaking with us. Someone signed for the letter with a name Spates also uses, "Betty Eldridge." Spates never contacted us, so we were never able to question her about her inconsistent statements.

In sum, Spates has been untruthful under oath, related information that is both contradicted by reliable evidence and implausible, made and then denied accusations about Jowers' involvement in the assassination, and has not been forthright with our investigation. Consequently, her isolated, self-contradicted account that she saw Jowers with a rifle after the shooting is not credible.

b. The alleged shooting of Dr. King from behind Jim's Grill

Although Jowers has made contradictory claims about the identity of Dr. King's assassin, he has consistently alleged that the assassin fired the fatal shot from behind Jim's Grill.

(1) Absence of footprints behind Jim's Grill

We found no physical evidence to corroborate Jowers' allegation about the assassin's location when he shot Dr. King. We did, however, find physical evidence contradicting it.

In 1968, the backdoor of Jim's Grill opened onto a backyard area bordered on the left by the wall of an adjoining building and on the right by a five-foot high chain-link fence enclosing an adjacent parking area. The backyard sloped up from the door to its center point and then fell off toward the top of an approximately eight-foot high retaining wall above Mulberry Street. Brush grew along the top of the retaining wall. Across Mulberry Street was the Lorraine Motel. The rear of Fire Station No. 2 was on the corner of Mulberry Street, next to the parking area. A narrow, open pathway between the parking area and the fire station permitted passage to the top of the retaining wall behind the station. See Attachment 2, diagram of the area surrounding the Lorraine Motel; and Attachment 3, aerial photograph of the area surrounding the Lorraine Motel.

affirmative evidence to corroborate his contentions.

Over the years, parties other than Ray have filed additional lawsuits related to the assassination. Most recently, after Ray's death in 1998, King family members, represented by Dr. Pepper, filed a civil complaint in Tennessee state court charging Loyd Jowers with participating in a conspiracy that resulted in the wrongful death of Dr. King. The evidence presented in the jury trial of that lawsuit is discussed in Section VII below.

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On the night of April 3, 1968, Memphis had a severe rain storm. The next evening, at the time of the assassination, the ground behind Jim's Grill was still muddy. Within minutes of the shooting, Patrolman Torrence Landers, now deceased, climbed the retaining wall on Mulberry Street and searched the area for evidence and footprints. He specifically looked in the backyard behind the grill and in the brush along the retaining wall. Afterward, he reported the results of his investigation to the Memphis Police Department and the FBI. According to those reports, Landers found no footprints in either the backyard or the brush area between the parking area fence and the retaining wall. He also explained, "[t]he ground was wet, and if anyone had been walking in this lot, they would have left footprints, because we left footprints when we checked it." Landers' report was corroborated by J.B. Hodges, another deputy who joined the search for evidence in the backyards. Hodges told us that the ground was soggy.

Investigative reports show that Landers found only two, isolated footprints in the entire area he searched. Confirming these reports, J.B. Hodges told us and testified in King v. Jowers that the only two footprints discovered were located near a cellar door in an alleyway around the corner of the building from the backdoor of Jim's Grill. These footprints were not located in either the backyard or the brush area, and they were pointing away from the Lorraine. The police photographed the prints and cast them in plaster. See Attachment 3, aerial photograph of the area surrounding the Lorraine Motel, for location of footprints.

If Jowers' story were true and the assassin had fired the fatal shot from behind Jim's Grill, the escaping assassin would have left a trail of footprints in the muddy backyard, not just a set of two footprints around the corner in an alleyway. The trail would have led from the spot where the assassin stood when he fired the fatal shot, to the backdoor of the grill where he met Jowers, and then away from the door along his escape route. The complete absence of any such trail undermines Jowers' claim that an assassin shot Dr. King from behind Jim's Grill.

(2) Absence of corroborating eyewitness evidence

As with the physical evidence found at the scene, eyewitness reports do not support Jowers' claim that the assassin fired from behind Jim's Grill. None of the witnesses located at the Lorraine, or anywhere else nearby, claim to have seen a shooter, a rifle, or Jowers anywhere behind Jim's Grill. Likewise, as discussed previously, witnesses on the balcony with the best vantage point of the area behind the South Main Street buildings -- Joseph Louw, Ceolar Shavers, Reverend Kyles, and those who immediately went to Dr. King -- all reported seeing no one and nothing unusual behind Jim's Grill.

(a) Eyewitness observations of activity in the brush

Two eyewitnesses -- Solomon Jones and Earl Caldwell -- have reported that after they heard the shot, they saw a person in the brush above the retaining wall in the general area behind Jim's Grill.(24) We have concluded that neither account actually supports Jowers' allegation that the assassin was in that area.

Jones, Dr. King's now deceased driver, was in the parking lot of the Lorraine at the time of the shooting. He told the police on the night of the assassination that "[a]fter the shot, and Dr. King fell, instead of me going up where Dr. King was, I ran to the street to see if I could see somebody and I could see somebody, I could see a person leaving the thicket on the west side of Mulberry with his back to me, looked to me like he had a hood over his head and that's all that I could see." Jones did not explain precisely when he made this observation.

During the HSCA's investigation of the assassination in 1978, Jones testified under oath. At the outset, he provided a time frame for his observation, asserting that he did not see what he reported until "minutes" after the shot was fired, "almost" at the same time as the police arrived. He explained that he looked across Mulberry Street only after he was pulled to the ground by Andrew Young, saw blood running off the balcony, got up, saw Young point across the street, and noticed Young racing up to the balcony to assist Dr. King. According to Jones, by the time he looked toward the bushes, the police had "almost" arrived at the motel.

Jones' sworn testimony regarding the sequence of events is confirmed by others. Eyewitnesses we interviewed reported that when the shot rang out, several persons in the parking lot instantly hit the ground and remained there, taking cover until they felt it was safe to stand. Since Jones, according to his own testimony, was one of the individuals who went to the ground, there was a delay before he made his observations.

Jones' HSCA testimony not only clarified when he made his observations but also what he had seen. Retracting part of his original claim, Jones specifically testified that he was never certain -- even on the night of the assassination -- that he had actually seen a person in the brush. Jones explained that he could not see a head or arms -- "I don't know whether it was a person or what it was, but it was something white. * * * That's all I saw." Jones further testified that even immediately after his observation, he was unable to say exactly where in the brush across Mulberry Street he had seen something. He stated he could not ascertain its location "either laterally or vertically."

Both our original interviews of eyewitnesses and our review of numerous photographs and police reports confirm that even if Jones had seen a person in the brush, "almost" at the same time the police arrived at the Lorraine, it most likely would have been a police officer reacting to the shooting. Indeed, in his statement to the FBI shortly after the assassination, Jones himself acknowledged the possibility that he saw a policeman.

At the moment Dr. King was shot, there was one officer conducting surveillance of the Lorraine from the rear of the fire station, three curious firemen watching with him out a rear window, and a number of tactical (TACT) unit officers on break from patrol located throughout the station. When Dr. King was struck by the bullet, a cry went out from one or more of the men watching the Lorraine that Dr. King had been shot. Without hesitation, the TACT unit officers, whom we interviewed, ran from the station towards the motel. They rushed down the short path between the station and the parking lot and quickly arrived at the guard rail atop the retaining wall. From the vantage point of the motel, the officers would have been visible through the brush above the retaining wall after they exited the station.

Photographs taken within moments of the assassination confirm that law enforcement officials were visible in the immediate area of the brush across Mulberry Street very soon after the shooting. As discussed previously, Joseph Louw, the news producer staying in a second floor room at the Lorraine, told our investigation that he went to his doorway on the balcony when he heard the shot. He saw Dr. King falling and immediately grabbed his cameras from the dresser and began taking pictures. Two pictures taken through his window even before he exited his room show law enforcement officials in mid-air dropping from the retaining wall and crossing Mulberry Street. See Attachments 4a and 4b.

Furthermore, as part of our investigation, one middle-aged member of our team was timed running from the center of the fire station to the top of the retaining wall above Mulberry Street. It took him only 16 seconds.

Ultimately, even after factoring in reaction time, eyewitness, photographic and re-enactment evidence show that certainly within a minute -- and possibly within seconds -- of the shooting, law enforcement officers would have been on the retaining wall between the fire station and the parking area. Accordingly, even if Jones saw something across Mulberry Street -- at "almost" the same time the police arrived at the Lorraine -- it was most probably a law enforcement officer.

In the end, Jones' report amounts to nothing more than an assumption about seeing a figure in some inexact location a short while, rather than immediately, after the shooting. Thus, his account does not support Jowers' claim that the assassin fired the fatal shot from behind Jim's Grill.

Like Jones, we believe Earl Caldwell, then a *New York Times* reporter, is mistaken about what he currently recalls seeing over 30 years ago. His published writings at the time of the assassination, along with his conversation with our investigation, suggest that he understandably misrecollects observing someone in the brush after the shooting.

Caldwell first publicly claimed to have seen a figure in the brush in the early 1990s when he appeared in a BBC documentary and testified at the HBO mock trial. Consistent with what he said then, he told our investigation that when Dr. King was shot, he was in his ground floor room at the far end of the Lorraine directly across from the fire station. Immediately after hearing what he thought to be a bomb, he went to the door. He looked to his far right in the parking area and saw some of Dr. King's associates excitedly going to the ground and getting up again. He claims he then looked across the street and saw someone, without a gun, crouching in the brush in front of the parking area adjacent to the fire station.

During our interview, Caldwell candidly advised that his best recollection of what he saw the night of the assassination was recorded in the contemporaneous account he gave to a *New York Times* in-house publication called *Times Talk*. He encouraged us to read the article, since he had not read it since its publication.

The *Times Talk* article is a first-person, second-by-second account of Caldwell's observations at the Lorraine. In the piece, Caldwell describes precisely what he said, thought, and did from the time he heard the shot until the police arrived at the motel. In fact, he so exactly details each of his observations and activities that, at one point, he even describes how he "slipped on [his] shoes without * * * lacing them" when he ran back to his room and grabbed his paper, pen, and raincoat.

Significantly, the article does not mention his seeing someone in the bushes. Indeed, it never even mentions Caldwell's looking across Mulberry Street or noticing anything in any part of the brush. Given the fact that the article was written no more than a few weeks after the assassination and is, as Caldwell himself acknowledged, the best record of his observations, it suggests that he is now mistaken about having seen someone in the bushes.

Like the *Times Talk* article, Caldwell's other published writings around the time of the assassination also fail to mention his alleged observation in the bushes. For example, in Caldwell's lead article in the April 5, 1968 edition of the *New York Times,* he relates Solomon Jones' early account of a figure in the bushes and mentions "a newsman's" (*i.e.* , his own) observations at the scene but omits any reference to the "newsman's" seeing a figure in the bushes.(25)

Caldwell's current recollection may also reflect his misperceptions of a horrific, confusing event. In the *Times Talk* article, his testimony at the mock trial, and his interview with our investigation, he recalled Solomon Jones' driving Dr. King's car back and forth in front of his room immediately after he saw the figure in the brush. In fact, he related that Jones' erratic driving distracted him from watching the figure.

No other eyewitness, however, recalls seeing Jones in the car until after the departure of Dr. King's ambulance, approximately ten minutes following the shooting. Jones himself advised that he did not get into the car until after he had gone up onto the balcony and had accompanied Dr. King to the ambulance. Radio dispatch records also confirm that the ambulance arrived at the Lorraine approximately ten minutes after the report of the shooting. Caldwell thus appears to be mistaken about when Jones drove the car. Moreover, since he directly ties the timing of that event to his observation across the street, he is confused about either what he saw or when he saw it or both.

Even assuming Caldwell did see someone in the brush across the street when Jones was driving the car, his observations had to be a full ten minutes after the shooting. By that time, numerous law enforcement personnel were in and around the area between the fire station and the rear of Jim's Grill. If, on the other hand, Caldwell observed the figure soon after the shooting -- which is doubtful for the reasons previously discussed -- it is still likely that what he saw was one of the law enforcement officers from the fire station. After all, within a minute after the shot, a number of those officers were on the retaining wall immediately next to the brush where Caldwell claims to have seen the figure.

Caldwell's testimony in the mock trial was not, of course, under oath, and he did not testify in the King v. Jowers lawsuit. For the reasons discussed, his account appears to be a mistaken recollection, understandable after the passage of 30 years.

In sum, Jones' and Caldwell's accounts fail to confirm Jowers' claim that an assassin shot Dr. King from the area behind Jim's Grill. Their alleged observations are further undermined by the complete absence of probative footprints in the brush area, see Section IV.D.1.b.(1) above, and an abundance of circumstantial evidence indicating that Dr. King was shot from the second floor window of the rooming house bathroom, rather than the backyard of Jim's Grill, see Section IV.D.1.b.(3) below.

(b) Accounts of a man fleeing after the shooting

According to TV producer Saltman, Jowers told him in 1993 that after the assassin handed him the rifle in the backyard, he ran toward the fire station. Jowers added that he thought the assassin went over the fence, which was between the backyard and the parking lot adjacent to the fire station. While Jowers has never related anything else about the assassin's escape route, others have claimed that he went in different directions.

Over the years, there have been unsubstantiated, hearsay reports that witnesses observed a man, possibly the assassin, jump from the retaining wall onto Mulberry Street after the shooting. Notwithstanding the fact that a leap down to Mulberry Street in front of dozens of witnesses presents a totally implausible escape scenario, these reports are completely unsubstantiated. Indeed, they have never been confirmed by any of the numerous eyewitnesses at the Lorraine.

The first of these reports came from Wayne Chastain, a former news reporter who later became James Earl Ray's attorney. Chastain, now deceased, claimed that Solomon Jones, Dr. King's deceased driver, told him that someone jumped down onto Mulberry Street and mingled with the police. Chastain's account is inconsistent with all of Jones' recorded statements, including those to law enforcement officials in 1968, defense investigators in 1969, and the HSCA in 1978. See Section IV.D.1.b.(2).(a) above.

Another hearsay report came from Louie Ward, a cab driver who once worked with Jowers. After the HBO mock trial, Ward revealed for the first time that a fellow Yellow Cab driver told him that on the day of the assassination he picked up a fare at the Lorraine, watched as Dr. King was shot, and saw the shooter jump from the retaining wall and get into a police car. Ward further alleged that other unnamed cab drivers told him that the cab driver who had supposedly witnessed the assassination was later mysteriously thrown from a car and killed.

In his initial story to Dr. Pepper, Ward claimed that he only knew the first name of the cab driver, "Paul." Subsequently, when we spoke to Ward, he changed the cab driver's name from "Paul" to "Buddy." Later, in his testimony during King v. Jowers, Ward recalled the cab driver's name was Paul Butler. We determined that a Paul Butler did work for Yellow cab but died on August 2, 1967 -- eight months before the assassination.

Additionally, none of the many civilian witnesses at the Lorraine at the time of the assassination or police witnesses who arrived immediately thereafter reported seeing a taxi cab picking up a passenger from the motel on Mulberry Street, as claimed by Ward. Nor is there a taxi cab pictured in any of the many photographs taken of the area around the Lorraine immediately after the assassination.

There have also been hearsay reports that a young boy and Harold "Cornbread" Carter saw a man jump from the retaining wall onto Mulberry Street. The young boy, however, has never been identified, and Carter refused to confirm the report. In fact, in 1968, Carter told the police that he was in his room on the second floor of the rooming house at the time of the shooting. The next year, he told defense investigators that reports that he had seen something related to the assassination were untrue.

More recently, Olivia Catling testified in King v. Jowers that, while standing on the corner of Mulberry Street and Huling Avenue minutes after the assassination, she saw a man whom she believed to be escaping on Huling. See Attachment 2, diagram of area surrounding the Lorraine Motel. Catling, who lived a block from the Lorraine, testified that she heard a gunshot while in her kitchen and ran to the corner of Huling and Mulberry where she stopped because of police arriving at the intersection. She observed a man walk out of a driveway onto Huling, get in a green Chevrolet, and speed away in front of the police who were blocking the intersection. Catling also testified that she heard a fireman on Mulberry Street yell to the police that the shot came from the bushes behind Jim's Grill.

When we spoke to Catling, she told us that after 25 years of silence, she first attempted to tell her story to Dr. Pepper at the time of the HBO mock trial in 1993. During our interview, she contradicted her testimony, insisting that she observed the man on Huling Avenue before the police arrived at the intersection, not after they set up the road block. She also advised us that her then 11-year-old daughter, Cheryl Morgan, and a neighbor's 12-year-old girl, Rosetta Allen, were with her when she made her observations.

We interviewed the policemen we could locate who blocked the intersections of Huling and Mulberry, and Huling and South Main, and the firemen from Fire Station No. 2. The police witnesses said that they believed they would recall having seen someone speeding away from the crime scene past a police blockade, but none recalled such an occurrence. Nor did any of the police or firemen we interviewed recall hearing a fireman claim that the shot came from the bushes.

Catling's daughter, Cheryl Morgan, told us that she was outside her front door and noticed police activity around the Lorraine but heard nothing before her mother came out of the house and said that Dr. King had been shot. She understood that her mother had heard the news on the radio or television. Morgan further advised that she then went toward the Lorraine, but not with her mother. She did not see a car speeding away from the area. Rosetta Allen also told us that she did not go to Huling and Mulberry with Catling. Rather, she recalls that she never left her own yard.

Catling's account also suggests an implausible escape route for the assassin. The driveway off Huling Avenue is surrounded by buildings fronting on Huling. The roofs of those buildings connect to the roof above the building which housed Jim's Grill and the rooming house. If a man had climbed onto the roof from the backyard of Jim's Grill, he would have been prominently visible to anyone watching from the Lorraine. Further, he would have had to have dropped 30 feet from the roof to the Huling driveway's pavement.

Catling's belated account of a man speeding away on Huling Avenue is uncorroborated, inconsistent, and contradicted by several witnesses. Moreover, the driveway on Huling is not only an unlikely escape route for an assassin in the backyard, but also it is in the opposite direction from the escape route toward the fire station, which Jowers claims the assassin took. Assuming Catling did see someone on Huling, we found nothing to show that her observation had anything to do with the assassination or otherwise supported Jowers' allegation that the assassin fired from the backyard of Jim's Grill.

Similarly, all of the inherently suspect hearsay reports of the assassin's escape onto Mulberry Street remain unsubstantiated. In addition, they are contradicted by the absence of probative footprints in the area behind Jim's Grill (see Section IV.D.1.b.(1) above), as well as significant evidence establishing that Dr. King was shot from the second floor bathroom window of the rooming house (see Section IV.D.1.b.(3) below). Accordingly, as with the accounts considered in the last section, various allegations about someone escaping after the assassination provide no corroboration for Jowers' claim that the assassin shot Dr. King from the backyard.(26)

(3) Evidence that the assassin fired from the rooming house

p> There is convincing evidence that the assassin fired from the second floor bathroom window of the rooming house above Jim's Grill -- not the area behind the tavern, as Jowers claims. This evidence was presented when James Earl Ray pled guilty in 1969, and he stipulated to the accuracy of much of it.

The evidence shows that Ray rented a room in the rooming house between 3:00 and 3:30 p.m. on the afternoon of the assassination. According to rooming house manager Bessie Brewer, now deceased, Ray rejected the first room he was shown, which did not provide a view of the Lorraine. Instead, he accepted the second, Room 5B, which did overlook the motel and was also down the hall from a communal bathroom that offered an even better view of the motel.

After the shooting, the police searched the rooming house. In front of the window in Room 5B, which provided a view of the Lorraine balcony, the dresser had been pushed away and replaced by a chair. In the bathroom, the screen from the window, which provided an unobstructed view of Dr. King on the balcony 207 feet away, had been removed and was on the ground outside. There were black scuff marks in the bathtub below the window.(27)

Eyewitness accounts provided by two residents of the rooming house, Charles Stephens and William Anschutz, both deceased, also confirm that the assassin fired from the bathroom window.

Anschutz, who was in a room next to Ray's, told the police that twice during the late afternoon on the day of the assassination, he was unable to use the bathroom because it was occupied. He also reported that at the time Dr. King was murdered, he heard a shot from the direction of the bathroom. He then went to his door and saw someone who was carrying a bundle walking away from the bathroom to the stairs leading to South Main Street.

Stephens, who rented the room between 5B and the bathroom, independently gave a similar account. He reported that he, too, heard a shot that sounded like it came from the bathroom, looked out his door, and saw a man carrying a bundle heading toward the stairs leading to South Main Street. Although Stephens' reliability has been vigorously challenged over the years, his account is corroborated by Anschutz. We found nothing to refute the information provided by Anschutz.

In addition, two witnesses in Canipe's, the music store located two doors down from the rooming house stairs on South Main Street, told the police that at approximately 6:00 p.m., they heard something drop outside the front door. The witnesses -- Guy Canipe, the owner, and Bernell Finley, a customer (both deceased) -- reported that upon hearing the noise, they immediately looked up and saw a man walk past the door, coming from the direction of the rooming house stairs. A second customer in the store, Julius Graham, whom our investigation could not locate, told the police that he actually saw the man drop a bundle. Seconds later, Canipe walked outside and saw a white car with only a driver pull away from the curb.(28) Finley and Graham also saw a white Mustang speed past the store.

The bundle dropped outside of Canipe's contained a 30.06 rifle and scope with Ray's fingerprints and an empty cartridge casing in its chamber, as well as other unfired cartridges and personal items belonging to Ray. While the rifle has never been conclusively matched to the bullet removed from Dr. King, it also cannot be excluded as the murder weapon since its barrel does not possess any consistently distinguishing markings and bears the same general rifling characteristics as the markings left on the bullet. General rifling characteristics are the consistent features inside the barrel of all rifles of the same model.

Despite similarities between the rifle and the bullet removed from Dr. King, Jowers has implied, and Ray's defenders have long maintained, that the rifle was not the murder weapon, but was rather planted to frame Ray. They thus suggest that the rifle actually represents evidence that the assassin did not fire from the second floor bathroom. There is, however, no reliable forensic evidence in the historical record to support this claim. All of the tests conducted on the rifle over the past 30 years have failed to exclude it as the murder weapon, and additional testing is scientifically incapable of doing so.

The rifle has been examined and test-fired numerous times -- in 1968 by an FBI firearms examiner, in 1977 by five firearms examiners retained by the HSCA, and in 1997 by three examiners hired by Dr. Pepper in Ray v. Dutton. On each occasion, the experts compared the test-fires with the bullet extracted from Dr. King's body. As noted above, they each found that the bullet and the test-fires share the same general rifling characteristics. Ultimately, however, none of the experts were able to determine conclusively whether the bullet was or was not fired from the rifle. Such an inconclusive result is not uncommon in the field of firearms identification, particularly when testing of a high-powered rifle like a 30.06.

Contrary to the inconclusive findings of all the firearms identification experts who have examined the rifle, Tennessee state court and television personality Judge Joe Brown, who presided over Ray v. Dutton in the 1990s, recently testified in King v. Jowers that he did not believe it was the murder weapon. His opinion, however, does not alter the prior consistent findings of the FBI, the HSCA, and Ray's experts. Judge Brown is not a professional firearms examiner and never conducted scientific comparisons himself. More significantly, his conclusions are based on several, incontrovertible factual inaccuracies.

For instance, Judge Brown testified that the bullet recovered from Dr. King did not come from the same batch as four similar cartridges found in the bundle with the rifle since, according to the FBI, the bullets from those four cartridges were metallurgically identical to each other but different from the bullet taken from Dr. King. This testimony, at the outset, is based on the factually incorrect presumption that cartridges boxed together always possess identical trace elements. Very often they do not. More fundamentally, Judge Brown's testimony is directly contradicted by the very FBI records on which he claimed to rely. According to those records, the FBI found five similar unfired cartridges in the bundle with the rifle -- not four -- and, contrary to Judge Brown's assertions, none of the bullets from those cartridges were metallurgically consistent with each other. At the same time, the FBI found the composition of the bullet from the fifth cartridge -- the one Judge Brown overlooked -- to be consistent with the composition of the bullet recovered from Dr. King's body.

Judge Brown also opined that the assassin would have missed Dr. King with the rifle found in front of Canipe's, because the scope attached to the rifle was not "sighted in" and, when tested by the FBI, was four feet off horizontally and two feet low. In fact, the FBI determined that the sight, on average, was only an insignificant three inches off to the right and less than an inch low when test-fired at 205 feet, the approximate distance between the rooming house and the Lorraine's balcony.

Apart from his inaccurate testimony, Judge Brown suggested that additional cleaning of the rifle barrel might produce a conclusive comparison result. Ray's defense team took the same position after their experts' initial series of tests proved inconclusive. They requested permission to clean the barrel with a brush and solvent, believing that that cleaning had never been done. However, our review of the records of the HSCA panel revealed that prior to its final round of test-fires, the panel actually used the brush-and-solvent cleaning method. The test results following that cleaning were again inconclusive.

Ultimately, Judge Brown's misinformed opinions and suggestions do not undermine the consistently inconclusive results reached by every firearms identification expert who has ever tested the rifle. As a result, neither Judge Brown's testimony nor any related physical evidence reliably supports the claim, advanced by Jowers and others, that the assassin did not fire from the second floor bathroom window. Instead, scientific analysis, combined with all the other evidence discussed above, suggests that the assassin shot Dr. King from the bathroom, then raced down the stairs and dropped a bundle containing the rifle used to murder Dr. King in front of Canipe's store. Regardless of whether this evidence establishes Ray's guilt, it clearly refutes Jowers' claim that the assassin fired from behind Jim's Grill.

c. Jowers' alleged concealment of the murder weapon

Jowers claims that after receiving the rifle from the assassin in the backyard of Jim's Grill, he disassembled it, wrapped it in a tablecloth, carried it from the kitchen to the public room of the tavern, and hid it under the bar counter.(29) A day or two after the assassination, either he or Raoul, depending on the statement, allegedly carried it out the front door of Jim's Grill onto South Main Street.

None of the patrons in Jim's Grill reported seeing the rifle or Jowers hiding it. Similarly, no one reported seeing someone with a rifle on South Main Street any time after the assassination.

Jowers' accounts also seem illogical. At the time of the assassination, nearly a dozen patrons were in the restaurant area of Jim's Grill, where the bar counter was located. It is improbable that Jowers would have attempted to hide the murder weapon in a public place in front of numerous witnesses or could have done so without being seen.

Equally improbable are Jowers' conflicting claims that within a day or two of the assassination, either he or Raoul carried the murder weapon out the front door of Jim's Grill. For several days following the assassination, South Main Street, and specifically the rooming house above Jim's Grill, was the focus of police investigation, media attention, and bystanders' curiosity. Thus, it would have been unnecessarily brazen and risky for either Jowers or Raoul to have walked onto South Main Street with the murder weapon.

Although no patron, police officer, or bystander saw Jowers hide the rifle or saw Jowers or anyone else take it away from Jim's Grill, Jowers' long-time friend, James McCraw, belatedly claimed that he saw Jowers with a weapon. McCraw, who died in 1996, was a cab driver with Jowers and was represented by the same attorney, Lewis Garrison. On several occasions beginning in late 1992, McCraw stated that around noon on the day after the assassination, Jowers showed him either a rifle or a rifle box, which was stored under the counter of the bar in Jim's Grill. According to McCraw, Jowers told him he had found the rifle the night before.(30)

Prior to 1992, McCraw gave several other accounts relating to the assassination and never referred to Jowers or a rifle. These omissions were not isolated. In fact, a review of McCraw's narratives over the years demonstrates that he repeatedly and dramatically expanded what he claimed to know about the assassination.

According to one of Ray's first lawyers, Arthur Hanes, Jr., McCraw's initial 1968 account was limited to his observations about the sobriety of a key prosecution witness, Charlie Stephens, who had identified Ray leaving the rooming house just after the assassination. McCraw claimed that when he answered a call for a cab at the rooming house shortly before the assassination, Stephens was so intoxicated that he refused to transport him.

In a subsequent interview with defense investigators in February 1969, McCraw enlarged his story to support a defense theory that the true assassin actually escaped in a second white Mustang. Adding to what he had originally said, McCraw claimed that he saw two white Mustangs parked on South Main Street when he was at the rooming house. See footnote 25 above.

Over 20 years later, in 1992, during preparations for the HBO mock trial, McCraw made dramatic new claims. In a sworn statement to Dr. Pepper and private investigator Kenneth Herman, he not only divulged the new information about Jowers and the rifle, but greatly expanded what he allegedly saw at the rooming house. For the first time, he mentioned that when he came out of the rooming house after refusing to transport Stephens, one of the white Mustangs was gone. He further alleged that when he was inside, he noticed that the bathroom on the second floor was empty and the door was "wide open." Later, when he spoke to mock trial producer Jack Saltman, he added that the bathroom was not only empty, but that he went in and used the toilet. These delayed disclosures were significant because Ray, for years, had been trying to retract his guilty plea, which was premised on his stipulation that he shot Dr. King from the bathroom window.

In 1995, after the mock trial, McCraw expanded his account yet again. Supporting Jowers' subsequent allegation that the "Lieutenant" shot Dr. King, McCraw testified in a June 1995 deposition that shortly before the assassination, he heard the "Lieutenant" threaten that he would kill Dr. King "if it was the last thing he ever done [sic]." He also testified that the "Lieutenant" knew Jowers and was a regular at Jim's Grill.(31) See Section IV.D.2.b.(3) below for discussion of Jowers' allegations regarding the "Lieutenant."

Another cab driver, William Hamblin, testified in King v. Jowers that McCraw even claimed to have played an active role in the alleged conspiracy. Hamblin said that McCraw reported having a drink with Raoul and disposing of the actual murder weapon by throwing it into the river at Jowers' request. While the latter revelation by McCraw is, of course, inconsistent with Jowers' conflicting claims that either he or Raoul disposed of the rifle, it became the version of events relied upon by the plaintiffs in the closing argument in King v. Jowers.

McCraw's evolving recollection of events relating to the assassination is inherently suspect. Indeed, with each new statement came a significant, new claim that managed to support Ray's defense and/or the belated allegations of his long-time friend, Jowers. Accordingly, McCraw's revelation about Jowers and the rifle -- made publicly for the first time nearly 25 years after the assassination and in conjunction with Jowers' conspiracy claims -- should not be credited.

In his 1992 sworn statement, McCraw attempted to defend his revelation about Jowers against the charge of recent fabrication. He claimed that he had, in fact, previously divulged the information to "investigators out of Washington," "judges," "magazines," "Memphis Police Department investigators," "the FBI," and "Justice Department investigators." We did not find any law enforcement records or media publications to support McCraw's claim of prior disclosure. It thus appears that in an effort to bolster his false statements concerning Jowers, he gave additional false information under oath.

Because the now deceased McCraw's various accounts are untrustworthy, they fail to corroborate the claim that Jowers concealed the rifle used to kill Dr. King. Moreover, because no witnesses, other than McCraw and Spates, claim to have seen Jowers with the rifle, and no physical evidence of the rifle has ever been produced, there is no credible evidence that it ever existed. The evidence instead supports Jowers' impromptu 1997 admission to District Attorney General investigator Glankler -- "there was no second rifle * * *."

2. The Alleged Conspiracy

a. Liberto's alleged involvement

Jowers claims that Frank Liberto, a Memphis produce dealer, recruited him to participate in the plot to kill Dr. King. According to Jowers, Liberto was in the Mafia. As part of the alleged conspiracy, Liberto supposedly delivered $100,000 to Jim's Grill. Jowers says he concealed the money in an old stove.

(1) Jowers and Liberto

Jowers' relationship with Liberto is unsubstantiated. No witness confirms that the two men knew each other, were ever together, or spoke to one another. Nor is there documentary or physical evidence to show that they ever had contact. While Jowers has claimed that he regularly bought produce from Liberto, we are aware of nothing, such as a business record or receipt, that corroborates his contention.

Moreover, Jowers' own accounts of his relationship with Liberto have been equivocal and inconsistent. Under oath in his deposition in Ray v. Jowers, he testified that he knew Liberto, but denied having any "contact" with him around the time of the assassination. In contrast, in his unsworn statements claiming participation in a conspiracy, Jowers alleges that he had conversations with Liberto immediately before and after the murder.

(2) Alleged corroborating witnesses

The accusation that Liberto was involved in the assassination of Dr. King did not originate with Jowers. Four days after the assassination, a witness told the FBI that he had overheard a suspicious telephone conversation that suggested Liberto may have been involved in the shooting. Additionally, in the wake of Jowers' 1993 *Prime Time Live* appearance, another witness and his mother reported that in the late 1970s Liberto admitted that he "had King killed."

(a) Liberto's alleged threat

On April 8, 1968, John McFerren, the owner of a small gas-station store in Somerville, Tennessee, informed the FBI that less than an hour before the assassination, he was in Liberto's Memphis market, where he often went to buy produce. According to McFerren, while shopping he overheard Liberto say over the telephone, "Kill the S.O.B. on the balcony and get the job done. You will get your $5,000." In a second telephone conversation a short while later, McFerren claimed to have heard Liberto say, "Don't come out here. Go to New Orleans and get your money. You know my brother."

McFerren later told the FBI that the man depicted in a police sketch of the purported assassin, which appeared in a newspaper the day following the shooting, had worked in Liberto's market in 1967. The sketch depicted James Earl Ray, who at that time had been identified only by his alias, "Eric Galt." According to McFerren, the man he knew was of Cuban, Mexican, or Indian descent with coarse black hair and "jungle rot" on his neck. Based on McFerren's claims, the FBI showed him an array of six photographs, which included Ray's picture. McFerren excluded Ray and instead tentatively identified three others, who did not resemble Ray, as the man who had worked for Liberto. One of the men was in prison and the other two were never known to have been in Memphis.

Despite McFerren's misidentifications, both the Memphis Police Department and the FBI investigated his report of the telephone conversation. First, they interviewed Liberto and his business partner, both now deceased. Liberto told detectives that on the afternoon of April 4, 1968, he left work early and was at home because of an injured finger. His partner corroborated his alibi, as did his wife. Medical records further established that Liberto had his finger lanced the day before Dr. King was killed.

Both Liberto and his partner also denied being involved in an assassination plot or participating in any telephone conversations discussing shooting Dr. King. While they frankly admitted making derogatory remarks about Dr. King's activities in Memphis and Liberto even conceded the possibility of saying in jest that someone ought to kill him, each explained that his comments would not have been made over the telephone or on the afternoon of the assassination. In any event, such comments have no significance since they were, at the time, unfortunately unremarkable among many whites, who continued to revile Dr. King.(32)

Liberto also informed investigators that any comments about money and New Orleans would have been inconsequential as he often transacted business involving large sums of money by telephone and made frequent business trips to New Orleans to purchase produce and visit family. Following up on that information, as well as McFerren's reference to overhearing Liberto mention "[his] brother" and "New Orleans," FBI agents interviewed Liberto's mother and three brothers in New Orleans. They confirmed that Liberto did business in New Orleans and visited regularly. They provided no information suggesting Liberto's involvement in the assassination.

In the end, neither the FBI nor the Memphis police corroborated any part of McFerren's report suggesting Liberto had involvement in the assassination. Accordingly, McFerren's allegation fell into the same category as literally hundreds of other alleged threats on Dr. King's life, which, after investigation, proved either unsubstantiated or idle.

A decade after the Memphis police and FBI investigation, the HSCA conducted its own detailed inquiry into McFerren's allegation. Liberto, then still alive, gave a sworn affidavit denying involvement in the assassination and repeating that he was at home with an injured finger when McFerren claimed to have seen him in his market. The HSCA also interviewed Liberto's relatives, friends, neighbors, and business associates. It found nothing to support McFerren's accusation that Liberto plotted to kill Dr. King or had a suspicious telephone conversation on the day of the assassination.

For several reasons, we, too, have concluded that McFerren's account is not reliable. Most importantly, we, like the HSCA, found no independent evidence to establish either that McFerren witnessed what he claimed or, more generally, that Liberto played a role in the assassination.

In addition, in statements to the 1976 Department of Justice Task Force, the HSCA, and our investigation, McFerren significantly expanded his account to incorporate James Earl Ray, who had not yet been identified at the time of McFerren's initial April 1968 statement to the FBI. In 1976, McFerren added for the first time that when Liberto's partner answered the telephone, he referred to the caller by name telling Liberto, "Ray wants to speak to you"(emphasis added). Later, McFerren falsely claimed that he had identified Ray's photograph when interviewed by the FBI in April 1968, and, notwithstanding Ray's known whereabouts around Christmas 1967, insisted that Ray had worked at Liberto's market at that time. Additionally, contrary to well-documented evidence of Ray's travels, McFerren later reported that Ray stayed at the Mayor's house in his hometown, Somerville, for two days prior to the assassination.(33)

During King v. Jowers, McFerren again related Liberto's alleged telephone conversation. He did not, however, repeat his contention that Liberto's partner named Ray as the caller. In fact, McFerren did not mention Ray in his testimony at all. Since McFerren focused on Ray for years, including during our interview of him in March 1999, this recent omission further undermines his credibility. Indeed, it seems McFerren may have tailored his testimony to fit the theory advanced by Dr. Pepper at trial -- that Ray was not involved in the assassination.

There is also some possibility that McFerren exaggerated at the very beginning. On April

8, 1968, immediately prior to giving his original statement to the FBI, he told his story to David Caywood, a lawyer and then president of the local chapter of the ACLU, who accompanied him to the FBI interview. Caywood told our investigation that while he recalled McFerren's recounting that Liberto had said something like "get the SOB," he did not remember whether McFerren claimed that Liberto included the words "on the balcony." Caywood explained that had McFerren used those words, he likely would have remembered it since Caywood had been on that same balcony with Dr. King the day before. The apparent omission is obviously significant, because it is only the words "on the balcony" that connect Liberto's alleged statement to the assassination.

McFerren's account also appears unreliable because of his quirky behavior and beliefs. When members of our investigative team spoke to McFerren, he locked his door and asked that we speak quietly because his phone was "bugged." He then placed a paper bag over the telephone receiver to prevent the conversation from being overheard. During the interview, he asserted that according to his "intelligence network," the Ku Klux Klan and the Mafia had met concerning him the day before and had been after him for 30 years. In addition, he maintained that Klan control of the Small Business Administration had interfered with his obtaining a business loan. He further added that he was in great danger because of his knowledge of the connection between the King and Kennedy assassinations but insisted on withholding the information until he could testify for Dr. Pepper in court. Finally, he repeated his erroneous assertion that Ray had stayed at the mayor's home in Somerville (McFerren's hometown) before the assassination.

McFerren related similarly strange information to the 1976 DOJ Task Force and the HSCA. For instance, he advised investigators that the same person killed both President Kennedy and Dr. King and that unidentified persons had tapped his phone, were "out to get him," and had made several attempts on his life.

McFerren's inconsistent accounts, peculiar behavior, and bizarre, uncorroborated claims, some of which contradict known facts, render his story about Liberto unreliable. Thus, McFerren does not offer any credible evidence to corroborate Jowers' contention that Liberto participated in the assassination.

(b) Liberto's alleged admission

After the HSCA published its report in 1979, allegations of Liberto's involvement in the assassination did not resurface until after the HBO mock trial, nearly 15 years later, when Jowers publicly implicated Liberto. At approximately the same time, Memphis taxi driver Nathan Whitlock, an acquaintance of Jowers, offered information concerning Liberto to Dr. Pepper and mock trial producer Jack Saltman.

In the 1970s and early 1980s, Whitlock's mother, Lavada Addison, owned and operated a Memphis pizza parlor. According to Whitlock and Addison, Liberto regularly ate breakfast there and became friendly with them. Addison claims that sometime in the late 1970s, during a conversation at the restaurant, a television story relating to Dr. King prompted Liberto to boast that he "had King killed." Addison did not believe him, told him so, and walked away.

The following day, Whitlock, then 18, allegedly confronted Liberto about the remark. According to Whitlock, Liberto denied killing Dr. King, but said that he "had it done" and that James Earl Ray was merely a "front man." Liberto then got angry, threatened Whitlock, and left. Whitlock claims he never saw Liberto again.

Whitlock did not disclose his allegation until 1993, after viewing the HBO mock trial on television and occasionally transporting production personnel in his cab.(34) One of the first people he spoke to about Liberto was mock trial producer Jack Saltman. According to both Whitlock and Saltman, Whitlock attempted to sell Saltman the right to go public with his account. When he demanded $20,000, the amount he thought the information commanded, Saltman refused and negotiations broke down.

Whitlock also told us how he sold copies of two photographs of Liberto to ABC for $1,200. When he learned that he had actually sold the network exclusive rights to the photographs in the deal, he became upset and claimed that ABC had tricked him. Nevertheless, Whitlock sold a duplicate print of one of the photographs, along with a photograph of himself, to Dr. Pepper for $1,000.

Whitlock expressed continued interest in profiting from his information during our investigation. When he first spoke to us, he sought to reserve attribution rights for any materials he agreed to provide. Whitlock also asked the Department of Justice to prosecute Dr. Pepper for fraud, claiming that Pepper had improperly published his story in the book, *Orders to Kill* , without compensating him.

Whitlock has also reported that he experienced bizarre repercussions because of his knowledge about the King assassination. He told both the Shelby County District Attorney General and our investigation that he was warned by an African American "NSA [National Security Agency] agent" from Washington that he was in danger because of what he knew about the King assassination. Testifying in King v. Jowers, Whitlock added that after he advised state authorities of his allegations, he was beaten and falsely arrested by the Memphis police and released only after the police received a fax from Washington, D.C.

We conclude that Whitlock's stated financial motive and paranoid-sounding claims undermine the truthfulness of his account of his alleged conversation with Liberto. We also have no reason to doubt that Addison, his mother, accurately reported Liberto's statement to her and correctly characterized the off-handed remark about Dr. King as a false "macho" boast.

In the end, Whitlock and McFerren are the only two witnesses who claim to have information corroborating Jowers' allegation that Liberto participated in a plot to assassinate Dr. King. Neither is reliable. Moreover, neither connects Liberto with Jowers or implicates Jowers in a conspiracy. Accordingly, there is no credible evidence supporting Jowers' allegation that Liberto was involved in the assassination and a stark absence of evidence corroborating Jowers' claim that they were co-conspirators.

(3) Liberto's alleged connection to the Mafia

Others besides Jowers have accused Liberto of having Mafia connections. Whitlock, for instance, claims that Liberto disclosed that he was acquainted with Mafia boss, Carlos Marcello, when the two were children in New Orleans. McFerren also alleges that the backroom in Liberto's produce market was used as a Mafia meeting place.

The HSCA investigated the possibility of Liberto's involvement with organized crime. According to HSCA documents, neither the FBI nor the New Orleans Police Department had any record of such involvement. However, HSCA records include information from the New Orleans police that Liberto's brother, Salvatore, associated with a bail bondsman who was believed to be affiliated with Carlos Marcello. The HSCA found nothing more than this potential "indirect link" between Salvatore and the Mafia.

Because of the allegations made by Jowers, McFerren, and Whitlock, and the speculative report regarding Liberto's brother Salvatore, we initiated a review of Department of

Justice and FBI organized crime investigative records. We found no information in these records showing that either Frank or Salvatore Liberto had any affiliation with the Mafia. Our review of the remaining historical record also revealed nothing to support the claims concerning Liberto's Mafia involvement.

Ultimately, the allegations of Liberto's Mafia ties come from unreliable sources and lack any corroboration. Moreover, even if Liberto had some connection with the Mafia, we found no credible evidence to suggest that organized crime was involved in the assassination.

(4) Jowers' alleged concealment of money for Liberto

Jowers alleges that before the assassination, Liberto delivered $100,000, which Jowers concealed in Jim's Grill. As previously discussed, Jowers has alternately claimed that he both hired a hit man with the money and held the money for Raoul. According to Jack Saltman, when Jowers related his initial version, he said he kept $90,000 for himself.

(a) Jowers' financial condition

In 1968, $90,000 was a very large amount of money. Consequently, if Jowers profited from the assassination, as he initially claimed, his financial position should have dramatically improved. The financial records we reviewed did not reveal any significant improvement in Jowers' life style at any time after the assassination. Nor did any witness we interviewed, including family members, detect that Jowers received a substantial windfall. Accordingly, there is no evidence to corroborate Jowers' claim (apparently now abandoned, in any event) that he received $90,000 for his role in the assassination.

(b) Lack of corroboration by employees at Jim's Grill

In both versions of Jowers' story about receiving money from Liberto, he claims that he hid it in an old stove in the kitchen of Jim's Grill. At times, James Earl Ray's defenders have asserted that three witnesses -- sisters Alta Mae Washington, Bobbie Balfour, and Betty Spates -- corroborate the allegation. Although each sister refused to speak to our investigation, all three have given prior recorded statements demonstrating that none possesses direct or reliable information that substantiates Jowers' account.

Alta Mae Washington told the Shelby County District Attorney General's office in January 1994 that she once saw Jowers place a suitcase containing money in the stove, but that was in April 1969, a week before she was fired. She explained that she could not have seen any money in the stove at the time of the assassination because she did not begin working at Jim's Grill until October 1968. In addition, she said she understood that Jowers was hiding the money she saw in April 1969 to keep it from his estranged wife, not for criminal purposes.

Like Washington, Bobbie Balfour, who worked at the grill at the time of the assassination, has never confirmed that Jowers hid a large amount of money in the stove immediately before the assassination. In a 1994 deposition, she testified that Jowers kept money in the stove at times, but that amount was only "maybe a thousand dollars. Jowers didn't have no money." While Balfour testified in King v. Jowers, she said nothing about seeing money in a stove at any time.

Betty Spates is the only witness who has ever claimed to have seen a large amount of money in the stove prior to the assassination. However, as discussed in Section IV.D.1.a.(3) above, she is unreliable. Indeed, on this issue, as with others, she has vacillated, claiming both that she saw the money and that she never saw it, but only heard about it from her older sister Washington. Moreover, even assuming that Spates either saw or heard about the money, she appears mistaken as to when she did, since Washington, the source of her knowledge, did not begin working at the grill until six months after the assassination.

In light of Washington's, Balfour's and Spates' statements, it appears that Jowers may well have stored money from time to time in an old stove in his kitchen. However, we found nothing reliable to suggest that he received the large sum of $100,000 from Liberto or kept it in the stove at the time of the assassination. Nor did we find any evidence to substantiate any part of Jowers' allegation that he and Liberto conspired to kill Dr. King. In fact, his claims relating to Liberto remain wholly unsubstantiated.

b. Alleged involvement of Memphis police officers

Beginning with his first statements about an alleged conspiracy, Jowers has asserted that Memphis police officers were somehow involved in the assassination. However, as discussed in Section IV.C.2.f. above, his allegations concerning the role of the police have significantly expanded since 1993.

(1) Alleged removal of police officers to facilitate the assassination

Jowers initially claimed that someone assured him that the police would not be at the scene of the assassination. This assertion was a variation on earlier allegations, made by others and considered by the HSCA, that various law enforcement personnel were purposefully withdrawn from the area of the Lorraine to facilitate the crime. Years prior to Jowers' vague allegation, speculation focused specifically on: (1) the withdrawal of the security detail assigned to Dr. King on April 3; (2) the supposed withdrawal of tactical units from the immediate area of the Lorraine; (3) the removal of one of two African American detectives from the surveillance post at Fire Station No. 2 on April 4; and (4) the removal of two African American firemen from the same firehouse on April 3.

The HSCA extensively examined each of these specific claims and found nothing to evidence a conspiracy involving the police. Despite the extreme vagueness of Jowers' accounts, our investigation considered the allegations anew. We learned nothing to contradict the HSCA's findings and instead discovered additional evidence supporting them.

(a) Removal of security detail

The Memphis Police Department assigned a security detail to Dr. King on April 3, 1968. Inspector Don Smith, who headed the detail, and three other officers met Dr. King and his party at the Memphis airport that morning. They followed the group to the Lorraine, where they were joined by three additional officers. The detail was permanently withdrawn at about 5:00 p.m. that afternoon.

Smith testified before the HSCA that he requested permission to withdraw the detail from his superior, Homicide Chief W.P. Huston, because he believed the King party was uncooperative. Smith based his conclusion on the party's refusal to provide Dr. King's itinerary, his perception that the party attempted to "lose" the detail en route from a meeting that afternoon, and a comment at the airport by a local liaison for the party, who said police protection was not desired. Smith maintained that after he telephoned Huston about these perceived problems, Huston left the telephone to consult with a superior officer, then instructed Smith to withdraw the detail. The HSCA never conclusively resolved whether it was the chief of police or another top official who actually approved Smith's request.

Reverend Samuel Kyles corroborated Smith's perception that the King party did not favor the security detail. Kyles told our investigation that on April 2, 1968, the Memphis group hosting Dr. King decided, against Kyles' advice, to break from ordinary practice and not request police protection. According to Kyles, the group made the decision because it believed the police had overreacted the week before to the sanitation strike demonstration. Willie B. Richmond, one of the African American policemen who conducted surveillance of Dr. King, supported Kyles' contention. He testified in King v. Jowers that he learned on the day before the assassination that someone with the King party, whom he believed to be Reverend Kyles, indicated that Dr. King did not want police security.

Other police officers, who had been used as security for Dr. King on prior visits, substantiated the accounts of Smith and Kyles that the King party did not want police protection in April 1968. Detective Redditt, the other African American policeman who conducted surveillance of Dr. King on April 3 and 4, 1968, told our investigation and the 1976 DOJ Task Force that someone in Dr. King's party informed him at the Memphis airport that they did not want security. Another police officer, Detective Jerry Williams, who had provided security for Dr. King on two prior occasions, testified in King v. Jowers that his inspector told him after the assassination that police security was not provided on April 4, 1968, because the King party did not request it. Finally, officers on the security detail corroborated Smith's version of events.

The HSCA concluded that the detail's withdrawal, although improper, was not ordered to facilitate the assassination. Rather, the HSCA found that the detail was withdrawn as a result of police frustration with what it perceived to be the King party's lack of cooperation. Our investigation found nothing to cast doubt on the HSCA's conclusion and additional evidence that Dr. King's group declined police security.

(b) Presence of tactical units in the area

The Memphis Police Department created tactical or TACT units in the wake of the unrest following the March 28, 1968 sanitation strike march. At the time of the assassination, one such unit was taking a break at the fire station across the street from the Lorraine, and two other cars assigned to TACT duty were in different locations within several blocks of the motel. Despite the location of these units, some have alleged that the Memphis Police Department purposefully withdrew all TACT units from the area of the Lorraine to facilitate the assassination. We found no evidence to support this claim.

In an affidavit to the HSCA, TACT Unit Commander William O. Crumby, now deceased, stated that on April 3, 1968, he received a request from the King party, through TACT Unit street commander Sam Evans, to halt police patrols within sight of the Lorraine. He claimed that the request was honored and that he instructed the TACT units to remain in the general vicinity of the Lorraine, outside "visual distant [sic]." However, Inspector Evans, also now deceased, repeatedly denied requesting any such action.

By its terms, Crumby's supposed order did not require withdrawal of the TACT units from the area of the Lorraine. In fact, it specifically required that they remain in the vicinity. Furthermore, a number of TACT unit cars were actually in the area at the time of the shooting. Accordingly, regardless of whether Crumby's directive was issued, speculation that all units were withdrawn, let alone removed to facilitate the assassination, is unfounded. See Section VII below for discussion of who in Dr. King's party allegedly requested removal of the Tact units.

(c) Removal of police officer from surveillance post

On April 3 and 4, 1968, two African American police officers, Edward Redditt and Willie B. Richmond, conducted surveillance of Dr. King and his associates at the Lorraine from Fire Station No. 2 across Mulberry Street. Two hours prior to the assassination, Redditt was removed from the post.

The evidence gathered by the HSCA and confirmed by our investigation shows that the Memphis Police Department ordered Redditt and Richmond to the airport on April 3 to conduct surveillance on Dr. King and his associates.(35) While at the airport, Redditt was threatened by a local activist and told that King's party did not want security. Redditt and Richmond nonetheless followed the party to the Lorraine and then set up surveillance at Fire Station No. 2. They continued following Dr. King during his activities throughout the day until they arrived at the Mason Temple prior to his final speech. Once there, Reverend Blackburn told them it was known that they were "spying" and indicated they were not welcome. They left a short while later.

On the morning of April 4, Redditt and Richmond resumed their surveillance post at the fire station. Sometime about noon, Redditt received a threatening telephone call. The caller said he knew where Redditt was and what he was doing. Later that afternoon, after Philip Manuel, a staff member of the United States Senate Subcommittee on Investigations, informed the Memphis Police Department of a threat to kill a "Negro Lieutenant" in Memphis, Redditt was removed from the station.(36)

The HSCA expressly found that the Memphis police removed Detective Redditt from his post because of the perceived threat on his life. Its conclusion that the threat was real was reinforced by other threats against Redditt during the sanitation strike and on April 3 and 4, 1968. The HSCA ultimately concluded that "the allegations that [Redditt] was removed to facilitate the assassination are without substance."

Based on our review of the HSCA report, sealed records of HSCA staff interviews, and our own original investigation, we reached the same conclusion. Apart from what we learned from the HSCA records, Intelligence Inspector Graydon Tines told us that he ordered Redditt to be taken to headquarters, where he was directed not to return to the field because of the threat. Similarly, Lieutenant Eli Arkin, who transported Redditt, confirmed that Redditt was removed because of the threat. Finally, Redditt himself corroborated the key details of what occurred, including that he was assigned to surveillance, received threats at the airport and the fire station, and was directed to leave his post for a meeting at police headquarters, where he was informed of another threat. In his testimony during the trial of King v. Jowers, Redditt further recalled that a man from Washington, D.C., whom he thought was named Manuel, was present when he was advised of the threat at police headquarters. His recollection confirms that the threat warning originated from Philip Manuel, who was in Memphis at the time representing the Senate Subcommittee on Investigations.

The notion that Redditt was removed to facilitate the assassination because he was an African American policeman is undermined by two other significant facts. First, as confirmed by Richmond, Redditt, and several other officers, Redditt was at the fire station to conduct surveillance of -- not to protect -- Dr. King. Thus, his removal would not have reduced any actual security for Dr. King. Second, Richmond, also African

American, was not pulled from the surveillance post and was there when Dr. King was shot. If Redditt had been removed because of his race to facilitate the assassination, then Richmond most probably would have been removed as well.

Based on all the evidence we reviewed and obtained, we found nothing to suggest that the Memphis Police Department removed Redditt from his surveillance post as part of a plot to kill Dr. King.(37)

(d) Removal of firemen from fire station

Norvell Wallace and Floyd Newsum were the only two African American firemen assigned to Fire Station No. 2. The day before Dr. King was killed, they were both reassigned to other stations.

The HSCA specifically investigated whether the removal of the firemen was somehow connected to the assassination. It found that Wallace and Newsum were removed in response to a concern expressed by Redditt to one of his commanding officers. After reviewing sealed HSCA records and conducting our own original investigation, we found nothing to suggest otherwise.

Redditt has denied directly requesting the removal of Wallace and Newsum. However, in a report he wrote and gave to Inspector Tines prior to the assassination, he noted that the African American firemen could impede surveillance because of their allegiance to the sanitation workers.(38) In addition, during our investigation, Inspector Tines recalled that Redditt and Detective Arkin had complained about an African American fireman who could "blow [Redditt and Richmond's] cover." Tines then requested a transfer. It is thus evident that Newsum and Wallace were reassigned because of police concern about maintaining clandestine surveillance of the Lorraine, not to facilitate the assassination.

In the end, we found no evidence to support any of the previously refuted allegations that the police purposefully removed any security forces from the area of the Lorraine to facilitate the assassination. Since Jowers only vaguely restated these previously unproven allegations, it is not surprising that we found no evidence to support his claims either.

(2) Alleged meeting of police officers at Jim's Grill

In his more recent accounts, Jowers alleges that several Memphis police officers met in Jim's Grill to plot the assassination. As discussed in Section IV.C.2.f. above, when he was most specific, Jowers claimed that a deceased "Lieutenant," his deceased "Former Partner," an African American "Undercover Officer," and the "Homicide Inspector". participated in the plan.(39)

At the outset, even if a meeting of some officers took place, as Jowers asserts, he offers no evidence that it related to the assassination. Rather, Jowers' account is suspiciously vague. Jowers told Dexter King that he "had no idea what the officers were talking about and I just got a word here and there," and "[w]asn't really too concerned about it [be] cause I didn't want to know about it." He nonetheless claimed that he "knew it was something illegal whatever it was," but did not provide any other information.

Because Jowers admittedly claims to have heard nothing about an assassination plot, Dr. King, a shooting, or anything specific at all, his bald assertion that officers were discussing "something illegal" is pure conjecture. His contention that he "got a word now and then" is hardly specific enough to invest the claim with more substance, especially since he does not even recount what the "word[s] now and then" were.

Notwithstanding the vagueness of Jowers' account, we found no evidence to suggest that any meetings in Jim's Grill involving high ranking Memphis police officers, in fact, occurred. No witness corroborates that any high ranking officers met in Jim's Grill. The only information we discovered that any police were ever there came from former FBI agent Howell Lowe, who reported his understanding that low ranking uniformed officers who patrolled the area went to the grill for coffee on occasion during shift changes.(40)

Lowe further claimed that he never met with and did not personally know the "Homicide Inspector," the "Former Partner," or the "Lieutenant," and that while he worked with the "Undercover Officer," he never met or saw him at Jim's Grill.(41) Accordingly, no witness or other evidence corroborates Jowers' claim that the "Homicide Inspector," the "Former Partner," the "Lieutenant," or the "Undercover Officer" was ever involved in a meeting -- or even present -- in the grill.

The investigative team also found no evidence to suggest that the "Homicide Inspector," the "Former Partner," the "Lieutenant," or the "Undercover Officer" was otherwise involved in a plot to assassinate Dr. King. None of the witnesses we interviewed had any information tying them to the crime. Nor do any of the volumes of documentary evidence we reviewed -- including previously unexamined materials from the HSCA and from the FBI and CIA -- suggest they were in any way involved.

We also interviewed the "Homicide Inspector," who fully cooperated with the investigation. He denied any involvement in the assassination and further denied having been in Jim's Grill prior to the crime. He said he may have briefly stepped inside afterward, on the night of April 4, 1968, but only because his investigators were there with potential witnesses. In addition, the "Homicide Inspector" submitted a sworn affidavit in which he stated that Jowers' allegations about him are false, that he never met with officers in Jim's Grill prior to the assassination, and that he was not involved in a plot to kill Dr. King.

We also interviewed the "Undercover Officer." He advised that he worked for the Memphis Police Department in an undercover capacity with the Invaders.(42) As a result, he was in the parking lot of the Lorraine with Reverends Orange and Bevel when the shot was fired and may have been the first person to reach Dr. King on the balcony. Once on the balcony, he looked across the street in what he thought was the direction of the shot and saw no one in the backyard behind the buildings.

Like the "Homicide Inspector," the "Undercover Officer" unequivocally maintained that he did not plot to kill Dr. King, was never in Jim's Grill, and never met Jowers. Demonstrating his desire to resolve the allegations against him, he agreed to take a polygraph examination conducted by the United States Secret Service. Throughout that session and a subsequent interview, he was aggressively questioned and consistently denied that he had any knowledge about a plot to assassinate Dr. King or ever went into Jim's Grill. The results of the polygraph examination show that the "Undercover Officer" was truthful when asked whether he was involved in an assassination plot. Specifically, he was found to be "not deceptive" when he denied plotting to harm Dr. King. However, the polygraph result was "inconclusive" as to his denial that he ever met with other police officers in Jim's Grill.(43)

Apart from interviewing and polygraphing the "Undercover Officer," our investigation reviewed records (including CIA files) pertaining to his activities and interviewed people who have had contact with him both at the time of and after the assassination. Our inquiries revealed nothing to contradict his contention that he had no part in the assassination and was never in Jim's Grill. Moreover, he affirmed in a sworn affidavit that Jowers' allegations about him are false, that he never was in Jim's Grill or met Jowers, and that he was not involved in a plot to kill Dr. King.

CIA?

We believe it is significant that the officers Jowers accuses, as well as their friends and co-workers, fully cooperated with our investigation without seeking immunity or any other consideration. The "Homicide Inspector" and the "Undercover Officer" executed affidavits denying Jowers' allegations under oath. In contrast, Jowers would not speak to us, despite having demanded and been offered the opportunity to obtain immunity (see Section IV.E. below) and, most recently in King v. Jowers, did not make his allegations under oath when he had the opportunity. Accordingly, Jowers' conduct, unlike that of the "Homicide Inspector," the "Undercover Officer," and other law enforcement officials who worked with them, further undermines his credibility.

(3) Alleged participation of the "Lieutenant"

Perhaps Jowers' most dramatic, belated revelation, first made during an October 1997 interview with Dexter King and Dr. Pepper, is that a Memphis Police Department "Lieutenant" shot Dr. King from the backyard of Jim's Grill. We find no merit to this claim.

The allegation inculpating the "Lieutenant" in a plot to assassinate Dr. King may derive from prior conjecture. In an interview with the HSCA in 1978, Detective Redditt (see Section IV.D.2.b.(1)(c) above) speculated that the "Lieutenant" may have been involved in the shooting since he was an expert shot and, in Redditt's view, a racist. Redditt told us he had no support for his earlier speculation, but simply offered it as an opinion.

Jowers appears to have resuscitated Redditt's old speculation with his most recent claim. Despite having testified under oath in a November 1994 deposition that he did not know the "Lieutenant," Jowers told Dexter King in March 1998 that he and the "Lieutenant" regularly went hunting together. He also alleged that the "Lieutenant" passed him the murder weapon behind Jim's Grill seconds after the shooting. In addition, Jowers said the "Lieutenant" had been in the tavern the morning of the assassination and participated in one or more meetings with other officers to plot the murder.

We found no credible evidence to sustain any of Jowers' various assertions concerning the "Lieutenant." None of the numerous witnesses we interviewed, including many officers in the police department, provided any information that linked the "Lieutenant" to either the assassination or Jim's Grill. They also did not connect the "Lieutenant" with Jowers and offered nothing to suggest the two knew each other or had even ever been seen together. The historical record also contains no information corroborating Jowers' accusation against the "Lieutenant."

The "Lieutenant" died before Jowers made the accusation against him. However, his ex-wife, whom he divorced in 1975, provided significant information contradicting Jowers. In an interview with our investigation and in testimony in King v. Jowers, she related that she got home from work shortly after 4:00 p.m. on the day of the assassination. The "Lieutenant" arrived a short while later to take a quick nap, shower, and change his clothing. Because of the schedule he and other officers assumed following the disruptions related to the strike, he had not been home for some time. About 45 minutes after he arrived, his ex-wife heard a bulletin over his walkie-talkie announcing that Dr. King had been shot and immediately awakened him.(44)

The "Lieutenant's" ex-wife also told our investigation that she knew her husband's hunting partners and that Jowers, whose name she had not heard, was not one of them. In addition, she reported that her ex-husband had been friendly with a man named Liberto, who owned a downtown liquor store. We confirmed that another Liberto did, in fact, own a liquor store in Memphis at the time of the assassination, but he was not the same person Jowers has implicated. Nor were the two Libertos related.

We found no credible evidence to contradict the ex-wife's alibi or her representations regarding the "Lieutenant's" friends, hunting partners, and associates.(45) Since there is no other reliable evidence implicating the "Lieutenant" in the assassination, or establishing that Jowers even knew him, Jowers' belated claims about him remain unsubstantiated.

3. Summary of Evidence regarding Jowers' Accounts

We found no reliable evidence to support Jowers' claims that he, Frank Liberto, Raoul, and Memphis police officers conspired to assassinate Dr. King. There is no physical evidence to corroborate any aspect of the allegations,(46) and the few purported corroborating witness accounts that exist are either not credible or unsupportive. At the same time, there is reliable evidence that contradicts Jowers' claims. For instance, the absence of a trail of probative footprints behind Jim's Grill demonstrates that neither Jowers nor the alleged assassin was there. Also, significant circumstantial evidence indicates that the fatal shot came from the rooming house's bathroom, rather than the backyard of Jim's Grill.

In the end, Jowers' claims are both unsupported and contradicted. His dramatically inconsistent accounts (see Section IV.C. above) are additionally suspect in light of his unwillingness to relate his allegation to our investigation (see Section IV.E. below) and his suspicious motives (see Section IV.F. below).

E. Jowers' Lack Of Cooperation

Starting in October 1998, our investigation made several attempts to gain Jowers' cooperation through his attorney, Lewis Garrison. Jowers refused to speak with us, even though he had repeatedly talked to others, including the media.

In response to our initial attempt, Garrison wrote to us on November 5, 1998, and explained that Jowers was "not willing to disclose information without some assurance that he [would] not be prosecuted." We responded in a letter dated November 19, 1998, and proposed a process for considering Jowers' request. First, we reminded Garrison, who has extensive litigating experience, that consistent with standard practice, a proffer of his client's account would be necessary to obtain immunity. To facilitate the arrangement, we offered to accept as a proffer Garrison's videotape of Jowers' conversation with Dr. Pepper and Dexter King on October 27, 1997, accompanied by any additional information needed to amplify, clarify, or correct the taped interview. We also explained that the statement would be used only to determine whether immunity was appropriate and not to prosecute Jowers.

Garrison did not respond to our letter or a subsequent letter dated December 15, 1998, re-extending our offer. Instead, we learned from a January 31, 1999 article in the Memphis *Commercial Appeal* that Jowers, according to Garrison, had refused to speak with us because our immunity offer allegedly did not protect him from state prosecution.

Because of the article, the investigative team set out to make explicit what case law already guaranteed -- the October 1997 statement, if provided as a proffer, could not be used by either federal or state prosecutors against Jowers. Accordingly, we contacted the office of the Shelby County District Attorney General and obtained a guarantee that expressly provided that state authorities would not prosecute Jowers based on his proffer and would also consider a grant of immunity.

On February 9, 1999, after Garrison failed to respond to our telephone messages, we sent a letter renewing our offer and notifying him of the District Attorney General's position. The following day, Garrison wrote and again expressed interest in obtaining immunity for his client. He ended his letter stating, "as soon as I confer with Mr. Jowers, I shall call you and maybe we can consult with Mr. Campbell," an Assistant District Attorney General.

We did not hear from Garrison for five weeks. Thus, on March 18, 1999, an attorney with our investigation, who had previously spoken to Garrison, telephoned him. Garrison expressed concern that our investigation had been questioning Jowers' credibility during interviews with witnesses. Our attorney explained our concerns about Jowers' many contradictory statements and his extended, repeated delays in responding to our offers. See Attachment 5, our March 19, 1999 letter to Garrison. Garrison agreed to advise the investigation of his client's position regarding a proffer by March 22, 1999.

In a letter dated March 22, 1999, Garrison reported that he had consulted with Jowers. He stated that Jowers "did not intend to make further comments regarding this matter * * * [and] will not permit anyone to review the video tapes [sic] you requested." See Attachment 6.

In April 1999, Dr. Pepper attempted to revive the effort to produce a proffer. As a result, Garrison sent a letter to the investigative team dated May 10, 1999, stating that he would again attempt to consult with his client and advise us of his position. Despite Garrison's representation, we received no further communications.

Garrison's consistent failure to respond to our offers, as well as Jowers' recent conduct, strongly suggest that Jowers is not sincerely seeking immunity to avoid criminal prosecution. If Jowers were genuinely concerned that he might be prosecuted, he would not have repeatedly related his self-incriminating story to others, including a producer and a nationwide television audience, without some assurance that his statements would not be used against him. Further, if he were genuinely concerned that he might be prosecuted, he would have readily provided us a proffer, since our proposal at least guaranteed him immunity for his October 1997 statement. Indeed, our offer was a "no lose" proposition for Jowers. If, after reviewing the proffer, we ultimately decided to grant him immunity, he would have been free from the threat of prosecution. If not, he would have nevertheless obtained "use" immunity for his October 1997 statement -- something he did not and still does not have.(47)

Jowers' conduct suggests another motive for his insistence on immunity. Since the evidence shows that Jowers did not genuinely desire protection from prosecution, and since the only other benefit of an immunity grant is the government's tacit approval of a subject's account, it appears Jowers sought immunity merely to legitimize his otherwise unsubstantiated story. This conclusion is confirmed by the fact that Jowers abandoned his request for immunity precisely when we made our routine demand for a proffer. To be acceptable, a proffer must contain a single, coherent version of events that withstands critical examination. Because Jowers' contradictory, unsubstantiated accounts could never survive such scrutiny (see Sections IV.C. and D. above), he presumably recognized that the immunity process could not give him -- and might forever ruin his chance to attain -- the validation he sought for his otherwise bankrupt story. Accordingly, Jowers abandoned his request and terminated all contact, and we conducted our investigation without the benefit of talking to him, confronting him with his contradictory statements, or assessing his credibility face-to-face.

F. Analysis Of The Development Of Jowers' Allegations

1. Jowers' Motivation

Because Jowers repeatedly contradicted himself, told a self-incriminating story without any evidentiary support, and refused to speak to us though having talked to others, we naturally considered why he publicly confessed in the first place. His comments and actions suggest that he is motivated by something other than a newfound desire to reveal the truth.

Several of Jowers' friends and relatives expressed their belief that Jowers made his allegations in the hope of getting attention and/or making money. Their belief is confirmed by Jowers' own statements. One of Jowers' close relatives told our investigation that he once overheard Jowers talking about a book deal in connection with his allegations about the assassination. A former co-worker, Prentis Purdy, further reported that Jowers telephoned him, said that a movie company was interested in interviewing him about the assassination, and advised that he could make money by appearing in the movie. Also, one of Jowers' neighbors and close friends, Robert Ferguson, told us that on several occasions in the early 1990s, Jowers, while intoxicated, boasted that he was going to make a lot of money from a movie that would be made about the assassination.

In addition to Jowers' revealing comments, his actions leading up to his first public disclosure suggest his true motive. For 25 years following the assassination, Jowers alleged no specific involvement in or knowledge of a plot to murder Dr. King. It was not until 1993, during preparations for the HBO television mock trial, that Jowers' allegations of a conspiracy began to materialize. At that time, Jowers demonstrated a pecuniary interest when, through Garrison, he asked the mock prosecution's investigator for additional compensation in exchange for information that would "put a different slant" on the assassination. He again demonstrated the same motivation when he chose to debut his full, detailed account to a television producer -- the same producer, in fact, who had coordinated the HBO program several months earlier.

2. The Promotion of Jowers' Story

Jowers' promotional efforts have not gone unassisted. Nor does it appear that Jowers' story became public by chance.

Jowers' allegations originated in the wake of the HBO mock trial when he and four others jointly sought immunity from prosecution. Represented by the same attorney, Garrison, they sent the Shelby County District Attorney General a combined written "proffer" that referred to each by color code rather than name. Subsequently disclosed information established the identities of all but one of them.

These individuals were all part of the same circle of friends. The first was Jowers, who related his account of hiring a hit man and receiving the rifle from him after the shooting. The second was Betty Spates, Jowers' long-time associate and former girlfriend, who said she observed Jowers holding and disassembling a rifle immediately after the shooting. See Section IV.D.1.a.(3) above. The third was Jowers' old friend, James

McCraw, to whom Jowers supposedly showed the rifle the day after the assassination. See Section IV.D.1.c. above. The fourth was Willie Akins, a convicted felon and another of Jowers' long-time friends, whom Jowers allegedly asked to "tak[e] care of certain persons who 'knew too much.'" These supporting accounts provided by Jowers' friends were crucial since there was no concrete evidence to support Jowers' claims and substantial evidence to undermine them.

The District Attorney General ultimately rejected the group's vague joint proffer and declined to grant each of them immunity. Jowers and Garrison then took the packaged story to the media. They first went to HBO mock trial producer Jack Saltman. A short while later, in December 1993, they appeared on *Prime Time Live* . Jowers publicly confessed for the first time, while Garrison, using real names instead of color codes, provided Sam Donaldson details about what Spates, McCraw, and Akins claimed to have witnessed. Akins even went on the program to say that Jowers had asked him to "pop" (kill) the assassin.

Prime Time Live gave the packaged story the notoriety Jowers and his associates originally sought when they jointly requested immunity. In the following weeks, the media, especially in Memphis, published numerous articles featuring Jowers, Spates, McCraw, and Akins. In fact, only a couple of days after the show, the *Tennessean* newspaper managed to identify, track down, interview, and polygraph the "Man on South Main Street," the alleged hit man to whom Garrison, Jowers, and Akins had alluded but would not name on camera.

After the *Tennessean* concluded that the "Man on South Main Street" had nothing to do with the assassination, Jowers began reinventing his story. In statements to Dr. Pepper, Dexter King, and Ambassador Andrew Young over the next five years, he named several different, new assassins and directly accused the police. He also retreated from his claim that he had hired a hit man, claiming instead that he merely held Liberto's money. See Section IV.C.2. above.

Amidst the confusion created by Jowers' conflicting accounts, a few other questionable, but purported corroborating witnesses were identified. Private investigator Kenneth Herman alleged that Jowers told one of Spates' sisters, Bobbie Balfour, that he had found the gun "used to kill King." He also claimed that both Balfour and another of Spates' sisters, Alta Mae Washington, had seen money in a stove in Jim's Grill at the time of the assassination. As discussed in Section IV.D.2.a.(4)(b) above, Balfour and Washington each repudiated what Herman attributed to them.

The others who surfaced after the mock trial to support Jowers' allegations have been cab drivers with ties to Jowers. In addition to McCraw and Akins, two of the original members of Jowers' circle, this group of acquaintances includes Nathan Whitlock, Louis Ward, William Hamblin, James Isabel, and James Milner. The latter group all appeared at the trial of King v. Jowers.

The financially-motivated Whitlock, who knew Jowers from the taxi business, claimed for the first time after the HBO mock trial that 15 years before, Liberto admitted to him that he "had King killed." See Section IV.D.2.a.(2)(b) above. Ward, another taxi driver who had worked with Jowers, made a similar, startling, first-time revelation following the mock trial. As discussed in Section IV.D.1.b.(2)(b) above, he alleged that a fellow cab driver, who he later heard was killed, had seen the assassin jump from the retaining wall into a police car immediately after the shooting. Two of Jowers' other friends in the taxi business, Hamblin and Isabel, surfaced at the trial of King v. Jowers, claiming to have heard incriminating comments from McCraw and Jowers, respectively. See Section IV.B.1. above. None of the hearsay accounts of these witnesses have been substantiated.

In the case of Ward's allegation, we determined that the person who he claimed witnessed the murder had died eight months before Dr. King was killed.

James Milner, who worked for Jowers and knows Whitlock, is another taxi driver who recently came forward. Like Ward, Milner first went to Garrison. He told our investigation he contacted Garrison because he heard Jowers "needed help." Garrison put him in touch with Jowers, who then related his conspiracy allegations to Milner over the telephone. Soon after, when James Earl Ray died, Milner appeared on Memphis television news to explain that Ray was innocent and that Jowers had told him why. In addition, after an attorney from our investigative team talked to Garrison about Jowers' immunity request, Milner contacted us on his own to repeat Jowers' confession and subsequently to revive Ward's allegation. While it may not be self-evident that these calls and Milner's TV appearance, as well as his testimony in King v. Jowers, represent an effort to promote Jowers' story, the cellular telephone records Milner provided us are revealing. They show that in 1998, Milner made over 75 calls apiece to Garrison and Whitlock -- a total of over 150 calls within the span of several months.

Milner's recent endeavors demonstrate what Jowers' inconsistent accounts and his associates' related efforts have suggested from the beginning -- that Jowers' story is the product of an orchestrated promotional effort. The similar, suspicious origins of the information we have reviewed are too striking to conclude otherwise. None of the information was disclosed until the mock trial, 25 years after the assassination, and it was divulged exclusively by Jowers and his associates.

G. Conclusions Regarding Jowers' Allegations

Because Jowers' conspiracy claims appeared manufactured from the outset, their fatal flaws come as no surprise. Indeed, while their contrived appearance independently undermines their reliability, it also underscores their other defects.

Jowers has never made his conspiracy claims under oath. Indeed, he did not even testify in King v. Jowers, despite the fact that he was the only party sued. The only time Jowers was questioned about his allegations under oath, he claimed no knowledge about or involvement in the assassination. In separate conversations with a law enforcement officer and a close relative, he similarly retreated from his claims. Thus, in inherently reliable circumstances, Jowers has consistently repudiated his story.

In contrast, the circumstances attending Jowers' purported confessions make his claims look dubious. He has only admitted he was a co-conspirator when he had no legal obligation to be truthful, was neither pressed for details nor challenged with his prior inconsistent statements, or had audiences that could give him the notoriety he desired to promote his story. Such audiences included HBO mock trial producer Jack Saltman, television personality Sam Donaldson, prominent civil rights figures, Ray's attorney, who was writing a book featuring Jowers, and James Milner, who went on TV to vouch for the story.

Jowers' conspiracy claims are also problematic because they are dramatically inconsistent on a number of key points, including: (1) the identity of the shooter; (2) the disposal of the alleged murder weapon; (3) Jowers' role in the plot; (4) his knowledge of the conspiracy's purpose; (5) the identity and role of other co-conspirators; and (6) the role of Memphis police officers. Both the materiality and content of these contradictions suggest that Jowers cast about from story to story, searching for something that would avoid the same pitfalls as his instantly disproved claim about the "Man on South Main Street." Indeed, it appears more than a coincidence that once the *Tennessean* discredited that claim, Jowers conveniently changed his account to implicate the deceased "Lieutenant," who, unlike the "Man on South Main Street," could not challenge the new accusation.

Even putting aside their material contradictions, Jowers' accounts are not supported by credible evidence. In fact, there is significant contradictory physical evidence and absolutely no such corroborating evidence. The purported corroboration comes solely from alleged witness accounts. Much of that information, such as the claims of Spates and McCraw, is part and parcel of the original effort to package and promote Jowers' story. None of the information, when examined critically, supports Jowers' allegations.

Jowers' motive for claiming involvement in the alleged conspiracy is also suspect. His friends and relatives have confirmed, based on statements he made, that he came forward anticipating financial rewards. Moreover, his conspiracy claims did not arise until 25 years after the assassination, when the HBO mock trial raised Jowers' hopes of making money. During preparation for the show, Jowers and his attorney directly asked a mock prosecution investigator for substantial compensation in exchange for supposed, new information, and afterward, the very first person Jowers went to with the specific details of his alleged account was the show's producer.

Jowers' account is finally undermined by his conduct during our investigation. He refused to talk to us without immunity, despite the fact that he freely made self-incriminating, non-immunized statements to others, including a nationwide television audience. Moreover, when we acceded to his request and initiated the immunity process, he refused to provide a routine proffer, even though, at the very least, he would have received immunity for that statement. Jowers' conduct strongly indicates that he sought immunity to attain legitimacy for his otherwise unsubstantiated story, not to secure protection from prosecution.

The totality of the evidence suggests that Jowers fabricated his allegations, hoping to promote a sensational account of a conspiracy to murder Dr. King.

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V. WILSON'S ALLEGATIONS

A. Introduction

In March 1998, Donald Wilson, a former FBI agent, publicly announced that for 30 years he had concealed documents he said he took from James Earl Ray's abandoned Mustang in 1968. Immediately before this public announcement, Wilson met in Atlanta with Paul Howard, the District Attorney for Fulton County, Georgia. Wilson told Howard that on April 11, 1968, he went to the scene in Atlanta where Ray's Mustang had been found. Once there, he opened the car door and a small envelope containing several pieces of paper fell to the ground. Wilson claimed he took the documents -- two pieces of paper with handwritten notations and two business cards -- hid them, and told no one about them for 30 years. He also reported that he no longer possessed all the documents he took from Ray's car.

In September 1998, Wilson met with attorneys from our investigative team. He changed his account and for the first time claimed that he actually took five documents from Ray's car -- the four described above and an additional fifth piece of paper with the telephone number of the FBI Atlanta field office written on it. He did not offer an explanation for not disclosing the existence of this new document when he initially made his public disclosure to the King family and Dr. Pepper, the District Attorney in Atlanta, and the media.

During our meeting, Wilson refused to provide the original documents he said he took from Ray's car. Rather, he gave us two original documents the following day, only after he learned that a search warrant for them was about to be executed. One document was a torn page from a 1963 Dallas, Texas telephone directory that refers to figures associated with the assassination of President Kennedy, along with the name "Raul." The other was a piece of paper with handwritten figures and words, including the name "Raul." See Attachment 1.

We considered a variety of factors in assessing the credibility of Wilson's claim and the authenticity of these documents. First, we evaluated whether Wilson's statements about the documents to the King family, Dr. Pepper, the District Attorney, the media, and our investigation have been consistent. We also analyzed whether independent evidence exists to support the accuracy of Wilson's claims. In that regard, we reviewed original law enforcement records and attempted to interview all law enforcement and civilian witnesses who were present at the scene when Ray's car was discovered or who had information about the Mustang. We also assessed the overall plausibility of Wilson's claims, including whether it was likely that a law enforcement officer would steal and then hide potential evidence regarding Dr. King's assassination for 30 years and, when finally disclosing it, continue to conceal the existence of a potentially crucial piece of evidence.

We further analyzed the two original documents obtained from Wilson. In an attempt to resolve the central issues related to the authenticity of the papers -- whether they came from Ray's Mustang in 1968 and who authored them -- we had the United States Secret Service (USSS) laboratory scientifically analyze the documents and the handwritten notations on them.

Further, we considered James Earl Ray's failure to recall the documents and the likelihood that he would have possessed a torn page from a 1963 Dallas telephone directory with notations that suggest a connection between the assassinations of Dr. King and President Kennedy.

Finally, we assessed Wilson's conduct since publicly disclosing the existence of the documents. We considered Wilson's failure to provide the Department of Justice the documents until execution of a search warrant was imminent, while calling for the Attorney General to conduct a thorough investigation and showing the papers to the media. We also assessed Wilson's failure to provide the information he claimed might lead to the recovery of the documents purportedly stolen by someone who later worked in the White House. Furthermore, we considered the fact that Wilson terminated all communication with us immediately after we responded to his concerns that he might be prosecuted by offering him immunity in exchange for his cooperation.

B. The Origin Of The Allegations

1. April 1968: The Discovery of Ray's Mustang

On April 11, 1968, residents of a public housing project alerted the Atlanta Police Department to an abandoned, white Ford Mustang in the project's parking lot. Two police detectives responded and found the Mustang locked. They unlocked the driver-side door with a coat hanger to obtain the vehicle's identification number. A records search revealed the car was registered to Eric Galt, an alias used by James Earl Ray.

The FBI was notified and arrived on the scene approximately two hours after the Atlanta police detectives. Federal agents arranged for the Mustang to be towed to a government garage where it was searched and processed for evidence.

On April 11, 1968, Donald Wilson was a new FBI agent assigned to the Atlanta field office. Records reflect that he had been an agent for less than a year and on that date was assigned, along with three other agents, to search for Western Union money orders relevant to the murder of Dr. King.

According to Wilson, he joined the FBI in part because of his concern with the racism he observed while attending college and law school in the South during the 1960s. He believed the FBI would provide him an opportunity to protect civil rights. Shortly after becoming an agent, however, Wilson became disillusioned, concluding that the FBI had racist policies and little regard for individual liberties.

Wilson nonetheless had a successful career with the FBI for ten years, receiving several promotions and awards. He abruptly resigned in 1977, on the same day he gave written notice. Notes from an exit interview reflect that Wilson stated that he left "because of personal values and career objectives" and refused to "elaborate further."

After leaving the FBI, Wilson established several small businesses, all of which failed. His most recent business dissolved in 1998. At the time he made his allegations, he was a teacher in a community high school and still professed a deep and continuing commitment to civil rights.

2. March 1998: Wilson's Public Disclosure

On March 24, 1998, nearly 30 years after the assassination, District Attorney Paul Howard of Fulton County, Georgia, met with Wilson in Atlanta at the request of Dr. King's son, Dexter King, and Ambassador Andrew Young.(48) Howard interviewed Wilson, who was accompanied by Dr. Pepper, about his alleged recovery of the documents from Ray's car.

Wilson told Howard that late on the afternoon of April 11, 1968, a senior FBI agent, who he thought might have been Don Tackitt, now deceased, drove him to the scene where Ray's car had been discovered. Wilson said that when they arrived, he saw two uniformed Atlanta police officers and perhaps as many as two other FBI agents. According to Wilson, the two uniformed officers were "arguing and debating" about who should open the car first. The debate continued about who was "going to open the back door, whose [sic] going to open the front door."

Wilson told Howard that he thought the officers' discussion was "silly." Noticing that the doors of the Mustang were unlocked, he opened a door and an envelope the size of a "child's valentine" fell to the ground. Wilson claimed that because he immediately realized he had "done something wrong," he quickly put his foot on the envelope and stuffed it in his pocket to hide it from the others. Wilson also said that Ray's car was "filthy," "untidy," and filled "with trash and papers."

Wilson further told Howard that he did not look at the contents of the envelope until that night, when he was home alone in his bathroom. Inside he found four pieces of paper -- the two documents that our investigation ultimately obtained, as well as "a business card from a Dallas, Texas gunship [sic]" and "a business card for a Baton Rouge, Louisiana towing company."

According to Wilson, nothing "struck [him] of significance" when he initially viewed the documents. Rather, it was not until 25 years later, when he viewed the televised HBO mock trial of James Earl Ray in 1993, that he heard about Raoul and recognized the potential import of the documents. He explained, "[w]hen I watched [the show] * * * this issue of Raoul came up * * * [and] [t]he bell went off. * * * I said well, darn it. * * * I had a paper that has his name on it. It may well be significant."

During the interview, Wilson also stated that he was eager to deliver the original documents personally to the Attorney General for appropriate investigation. He unequivocally stated that he wanted the Department of Justice, not the FBI, to conduct the inquiry. According to Wilson, the FBI was a racist, untrustworthy organization that would perceive his disclosure as a "declaration of war against th[e] organization." Thus, he predicted that the FBI would seek to "destroy [his] credibility" once it heard about the documents.

During the meeting with Howard, Wilson also reported that in 1968, around the same time as the recovery of Ray's car, he assisted with an FBI "black bag" search (an unauthorized entry by law enforcement) of the rooming house where Ray had stayed the week prior to Dr. King's assassination. Wilson told Howard that he waited outside while other agents searched Ray's room. He claimed that one of the agents gave him a large envelope containing materials removed from the room, which he personally delivered to an Assistant Director of the FBI.

At the conclusion of the interview, Wilson gave Howard copies of the only two documents he allegedly still possessed and reported that the originals were in a bank safe deposit box. He also explained that the other two documents he had allegedly taken from Ray's car, the two business cards, had been "lost I guess."

Immediately following the interview, Wilson appeared at a press conference with Dr. Pepper, who spoke to the media. On March 26, 1998, two days after meeting with the District Attorney, Wilson telephoned the Public Affairs Office of the Department of Justice and stated that he was prepared to release the documents to the Attorney General for a full investigation. He also mentioned to the Department of Justice official that the

FBI, as he had predicted to Howard, was publicly criticizing him about disclosure of the documents.(49)

One week later, Wilson withdrew his offer to release the documents to the Department of Justice. He told a Deputy Assistant Attorney General in the Criminal Division, who was returning his initial call, that he no longer was willing to release the documents because the FBI publicly criticized him. Before advising the Department of Justice of his decision, however, Wilson publicly reneged on his offer in a speech to the Coalition of Political Assassinations, a private, Washington-based group interested in conspiracy theories.

Over the next several months, Wilson spoke to several members of the media about the documents. His accounts about his recovery of the documents were essentially the same as what he told Howard.

3. September 1998: Wilson's Meeting with Our Investigative Team

In September 1998, our investigative team contacted Wilson, assured him that the FBI had no part in our inquiry, and requested a meeting.(50) He agreed.

On September 16, 1998, Wilson met with two attorneys from our investigative team at a prearranged location he selected near his home in Chicago. He unexpectedly took our attorneys to a bank where he claimed to be storing the documents. Once there, he refused to show us the original documents when he learned that we had posted a United States Marshal at the bank.(51) Wilson acknowledged that he understood that the cautionary measure was in deference to the extreme importance of the evidence. Nonetheless, during the nearly four-hour meeting, he repeatedly refused to display the original documents, declined to commit to their disclosure in the future, and only provided copies of two of the documents.

That afternoon, the investigative team obtained a search warrant for Wilson's bank safe deposit box based on his representations that the original documents were there, his refusal to release them, and his failure to provide assurances that he ultimately would. That evening, an attorney with our investigation telephoned Wilson and told him that a search warrant had been issued.

Early the next morning, Wilson telephoned an inspector with our investigative team and agreed to turn over the documents to avoid execution of the search warrant. A few hours later, Wilson met with the inspector and gave her two documents he allegedly took from Ray's car -- a torn page from a 1963 Dallas, Texas telephone directory and a piece of paper with handwritten numbers and words.

C. Analysis Of Wilson's Contradictory Statements

Wilson's statements about the documents have been materially inconsistent.

1. Belated Revelation of an Additional Document

Since March 1998, Wilson has spoken to the King family and Dr. Pepper, the media, the District Attorney, and our attorneys about the documents. In all of his statements until his meeting with members of our investigative team in September 1998, Wilson claimed that he took four documents from Ray's car -- the two original documents we obtained and the two business cards he described as "lost I guess."

When Wilson met with attorneys from our investigative team, he divulged new and inconsistent information about the existence of an additional document he supposedly took from Ray's car. Six months after publicly disclosing the existence of the documents, he revealed that he had been withholding the fact that he had actually found a fifth document. He now claimed that he had taken not only the four documents already described (see Sections V.A. and V.B.2., above), but also a fifth piece of paper with the telephone number of the FBI field office in Atlanta where he worked at that time.

Sometime after the meeting with our attorneys, Wilson publicly acknowledged that he had purportedly taken an additional document from Ray's car. In an article published in *The Atlanta Constitution* on March 19, 1999, Wilson confirmed that he had taken the paper with the FBI Atlanta field office telephone number.

2. When and Where Wilson Allegedly Viewed the Documents and Recognized Their Significance

During the meeting with members of our investigative team in September 1998, Wilson relied on the existence of the "new" document to change his account as to when he initially viewed the documents and recognized their significance. Contradicting his March 1998 claim to Howard that he did not look at the documents until he "got home that night [and] went into [his] bathroom," he reported to our attorneys that he examined the documents on the scene, moving out of sight of the other law enforcement officers. In addition, Wilson contradicted his earlier statement that he did not recognize the significance of the documents for 25 years, until 1993, when he viewed the televised HBO mock trial. Instead, he told our attorneys that he immediately knew the documents were important when he saw the telephone number of the FBI Atlanta field office where he worked.

3. Alleged Reason for Concealing the Documents

When speaking to our investigative team, Wilson also changed his explanation for concealing the envelope and its contents. In his initial statements, he said that he initially hid the documents because he feared the consequence of his conduct on his employment. He told Howard that upon opening the car door, "there was an immediate feeling of fear in my stomach [that] I had done something wrong." "It [was] really my attention [sic] * * * not to disturb anything or touch anything." He further explained, "[e]ar[ly on] in my career when I was younger I had a wife; I had three little children. I simply could not afford to take the risk."

Wilson also told Howard that he concealed the documents for 30 years because of his general distrust of the FBI. According to Wilson, the FBI was filled with people who were "racist, corrupt and liars." He also explained that "historical events took place" that made it impossible for him to disclose the documents. Wilson stated, "they threw out Nixon, the Attorney General went to jail and people lied and everyone was a crook and it was a question, who could I trust, who could I really go to and trust. I had my family to consider, so I did nothing with it."

Wilson gave our attorneys a different rationale for hiding the documents. Wilson explained that he withheld them because of his discovery of the paper with the telephone number of the FBI field office and his specific belief that it demonstrated a connection between Ray and the FBI. Relying explicitly on the "new" document, Wilson claimed he had no choice but to hide the documents and withhold any information about their discovery because it appeared from the additional paper that the FBI was Ray's accomplice.

4. Alleged Disappearance of Certain Documents

When Wilson met with District Attorney Howard, he reported that he no longer had two of the four documents he had allegedly retrieved from Ray's Mustang. He said that the business cards from an unnamed Dallas, Texas gun shop and an unnamed Baton Rouge Louisiana towing company had been lost. Specifically, without providing any further details or suggesting that the documents had been stolen, he commented, "they call them lost I guess."

Wilson gave a different explanation about the disappearance of the business cards when he spoke to our attorneys. He never told us that the cards had been lost. Rather, he claimed that they had been stolen from him in 1988 by someone who later worked in the White House, whom he would not identify. He also advised that he had information that might lead to the recovery of the documents, but refused to provide it.

5. Alleged Location of the Documents

Wilson also provided information regarding the location of certain documents, then later denied making the statements. On September 16, 1998, during our meeting in his bank's conference room, Wilson advised that the original documents were stored in his bank safe deposit box. At one point, as he was leaving the meeting to make copies of the documents, he even explained that he needed the keys to his safe deposit box. Afterwards, Wilson returned to the meeting with photocopies of two of the documents -- the partial page from the Dallas telephone directory and the piece of paper with handwritten words and numbers.

Our attorneys then requested a duplicate of the additional document that allegedly had the telephone number of the FBI Atlanta field office. Wilson refused to provide a copy. He nonetheless was careful to explain that the original of that document was in the same safe deposit box, along with the two originals he had just copied.

The next morning, Wilson called an inspector with our investigative team to avoid execution of the search warrant. After agreeing and making arrangements to turn over the original documents, he contradicted his statement the day before that the documents were in his safe deposit box. Rather, he claimed at this point that the original documents were not at the bank and had not been kept there for some period of time.

Later that morning, Wilson met with the inspector to turn over the documents. He provided the original two documents he had claimed to have photocopied the day before. When asked about the newly identified document with the telephone number of the FBI field office and the fact that the day before he had said that it, too, was in his safe deposit box, Wilson denied making the statement and insisted that he had been misunderstood. Again, contradicting what he had actually said at the bank the day before, Wilson claimed that he had instead told our attorneys the fifth document was taken when the two other documents had been stolen.

6. Conclusions about Wilson's Contradictory Statements

Wilson's statements about the documents are inconsistent, and we are uncertain which statements, if any, are accurate. It is nonetheless clear that he has provided false information. It cannot simultaneously be true, as Wilson has alternately claimed, that he: (1) took both four and five documents from Ray's car; (2) did not realize the significance of the documents for 25 years and was aware of their importance when he found them; (3) initially reviewed the documents at the scene and first viewed them at home later that evening; (4) had the original documents in his bank safe deposit box for several months and did not have them at that location during the same time frame; and (5) had the original document with the telephone number of the FBI field office in his safe deposit at his bank in September 1998, and had it stolen from his office in 1988. Accordingly, Wilson has been untruthful either in his initial statements to the King family and Dr. Pepper, the District Attorney, and the media or in his subsequent accounts to our investigative team and the media.

Most significantly, Wilson has been inconsistent about allegedly finding an additional document in Ray's car. Assuming Wilson was truthful when he belatedly revealed the existence of a new document with the FBI telephone number, he was unquestionably less than forthright when he initially spoke with the King family and Dr. Pepper, Howard, and the news media. In addition, there appears to be no reasonable explanation for Wilson's lack of candor in his first public statements about the documents. A person genuinely interested in an accurate, complete, and honest disclosure of information after 30 years of concealment does not withhold some of the evidence, particularly that portion which is potentially most significant. Consequently, Wilson's belated revelation, even if true, raises serious questions about the credibility of his other comments about the documents, including where he got them.

If, on the other hand, Wilson's assertion about a fifth document is untrue, his veracity is equally suspect. Wilson may claim that he fabricated to retaliate against the FBI for impugning his integrity or to persuade others that he had a valid reason for withholding the documents. Even so, neither of the rationalizations changes the fact that Wilson made a false statement or demonstrates that he should be believed. Regardless of his motives and the truth of his belated revelation, Wilson has misled the public, the King family, and the federal government. Consequently, his revelation about a fifth document raises serious questions about the believability of his account.

The extent and context of Wilson's untruths are also troublesome. Significantly, Wilson's belated revelation of a new document is not an isolated false statement. In fact, during the meeting with our attorneys, Wilson relied on the additional document to weave an intricate, new story about what he purportedly did at the scene, when he allegedly looked at the documents, and why he supposedly hid them for 30 years.

Wilson's contradictory statements also defy his public persona that he is genuinely interested in a thorough investigation designed to disclose the truth about the documents. In fact, within less than 24 hours, Wilson not only claimed to our investigation that the additional document was both in his safe deposit box and had been stolen from his office in 1988, but also that he never made the former claim.

Finally, while Wilson's contradictory claims suggest that his accounts should not be credited without independent, substantiating evidence, his most recent explanation for the disappearance of the documents seems particularly suspicious. On its face, Wilson's allegation that certain documents were stolen in an office burglary by someone who later worked at the White House is conspicuously sensational. Its implausibility is heightened by his refusal to provide specific information he claims to have about "leads" that may result in recovery of the documents. He also has failed to supply any documentation to substantiate the alleged burglary. Moreover, if his earlier claim to Howard that he told no one about the documents for 30 years were true, it would have been impossible for anyone to have known to steal them.

D. Analysis Of The Evidence

Wilson alleges that he was present at the scene of the discovery of Ray's Mustang, opened a door, and concealed documents that fell from inside. He further claims that several days later, he participated in an unauthorized search of Ray's rooming house by carrying evidence from that search to the FBI office.

Our investigative team interviewed witnesses who were present at the discovery of the Mustang, its subsequent search, and the search of Ray's room. We also reviewed all relevant reports, records, and other documents.(52) We discovered no independent evidence to corroborate Wilson's claim that he took documents from Ray's abandoned car or participated in a search of Ray's room. In fact, we found substantial, reliable evidence that contradicts both assertions.

1. Wilson's Alleged Presence at Ray's Car

Our investigation found no documentation verifying Wilson's claim that he was at the scene when Ray's car was recovered. Official records reflect that on April 11, 1968, Wilson was assigned to review copies of money orders at a Western Union office in Atlanta as a part of the King murder investigation. Because those records do not reflect the hours Wilson worked or exclude the possibility of Wilson's presence at the scene after he completed his assignment, they are inconclusive as to whether he was actually there.

Other evidence suggests, however, that Wilson was not at the scene. The FBI took several photographs of the Mustang at its recovery site that depict the presence of several FBI agents. None show Wilson.

The investigative team also questioned civilians and law enforcement personnel known to have been at the scene when Ray's car was recovered and showed them a 1967 photograph of Wilson. No witness recalled seeing Wilson at the scene. Nor did any FBI agent recall driving with Wilson to the Mustang. In fact, most FBI agents did not recall Wilson at all, even when shown his picture.

2. Wilson's Alleged Taking of Documents from Ray's Car

Wilson told District Attorney Howard that he opened the Mustang's door while other law enforcement officers were not watching, and then concealed a small envelope containing papers that fell from the car. Although he did not specify to Howard which door he opened, he told a reporter from the *Chicago Tribune* in April 1998 that "he noticed the Mustang's passenger door ajar. He pulled out a handkerchief, * * * [and] opened the door" (emphasis added). We found no evidence to corroborate Wilson's allegation that he opened the door of Ray's Mustang and actually discovered documents that fell from it.

Records show that R.L. Davis and P.S. McCravy, detectives from the Auto Theft Squad of the Atlanta Police Department who are now deceased, arrived on the scene around 2:00 p.m and opened and unlocked the driver-side door of the Mustang using a coat hanger. The FBI was not notified about the location of Ray's car until after these detectives unlocked and opened the driver-side door, obtained the car's identification number, relayed that information for several vehicle registration checks, and were able to verify that the car belonged to Eric Galt (Ray's alias). As a result, no federal agents arrived until at least 4:00 p.m., approximately two hours after the driver-side door of the Mustang had been opened.

No civilian or law enforcement witness interviewed by our investigative team recalled or reported seeing anyone at the scene open a car door after the detectives' initial entry. In fact, two different FBI agents recalled being dispatched with specific instructions to secure the crime scene and to ensure no one touched the car.

3. Wilson's Claims about the Doors of Ray's Car

No witness recalled or reported seeing one of the doors of the Mustang ajar.(53) Rather, historical documents and witness interviews establish that Ray's car was locked when the Atlanta detectives arrived at the scene.

Official reports suggest that the passenger-side door of Ray's Mustang -- the door Wilson claimed to have opened -- remained locked the entire time the car was at the scene. Law enforcement reports specifically note that Atlanta detectives unlocked the driver-side door. They do not make reference to the passenger-side door other than to say that the car was locked. Since the purpose of entering the Mustang was to obtain the vehicle identification number (VIN) located inside the driver-side door, there would have been no reason to unlock that door with a coat hanger if the passenger-side door was ajar and unlocked. Further, once the detectives obtained the Mustang's VIN, there would have been no purpose unlocking the passenger-side door. Thus, reliable evidence indicates that the passenger-side door was locked and never opened.

Moreover, photographs taken at the scene record the condition of the Mustang's doors when FBI agents were present. At our request, Ford Motor Company analyzed these photographs and concluded that both doors were closed, not ajar, and, further, that the passenger-side door was locked.

If the car had been photographed before Wilson's arrival, the pictures conclusively demonstrate that neither door was ajar, as Wilson has alleged, and that the passenger-side door was locked, preventing Wilson from opening it, as he has claimed.(54) Even assuming the photographs were taken after Wilson allegedly opened the door and retrieved the documents, it is still significant that the passenger-side door is pictured as locked. After all, Wilson, in his purported haste to hide the documents and go undetected, would have had no reason or time to lock the door after allegedly finding it unlocked, opening it, picking up the documents, and concealing them. In fact, since he admittedly did not want his tampering to be discovered by other law enforcement officers at the scene, he presumably would not have locked a door that he had originally found open. In any event, Wilson has never claimed that he locked the door after retrieving the documents, even though he initially explained in detail how he carefully opened the door with a handkerchief.

4. Wilson's Purported Reason for Opening Ray's Car Door

Wilson told District Attorney Howard that when he arrived at the scene, he "met a couple of Atlanta Police officers * * * [in] uniform[ ], * * * [who were] arguing and debating about * * * whose [sic] going to open the door [of the Mustang] first * * * who was going to open the back door, whose [sic] going to open the front door."

Wilson's explanation as to why he opened Ray's car door is uncorroborated and contradicted by the evidence. Photographs of the scene do not show any officers in uniform. The two detectives who unlocked the Mustang were plainclothes detectives. Moreover, because they unlocked the driver-side door at least two hours before any FBI agents arrived, no FBI agent, including Wilson, would have been there to witness an exchange, even assuming it occurred. Nor would officers at the scene have been arguing whether to open the Mustang's back or front door, as Wilson claims, since the 1966 Mustang was a two-door car.

In addition, no law enforcement officers or civilian witnesses recall or reported seeing uniformed police officers arguing about whether to open the Mustang. We interviewed Ralph Norton and Jessie Summey, the two plainclothes detectives who relieved the detectives who originally unlocked the car. They reported arriving at the scene well before any FBI agents and remaining there until the car was towed. Neither recalled any uniformed officers at the scene or an argument or debate of any kind. Moreover, no other witness, except a then 13-year-old boy, recalled seeing an argument between law enforcement officials.(55)

5. Wilson's Claim regarding the Interior of Ray's Car

In his interview with the District Attorney, Wilson described the car as "filthy inside * * * [with] trash and paper, and the ashtray was overflowing with cigarettes. It was, it was just very untidy." Likewise, in September 1998, Wilson told our attorneys that the inside of Ray's car was messy and very cluttered.

The investigative team could not resolve with certainty the condition of the inside of the Mustang. There are conflicting accounts and records.

Official reports from 1968 reflect that the interior of the vehicle was relatively neat, contained very few items, and had no visible "trash." Documents and photographs, which include a detailed, itemized inventory of the Mustang's contents, provide that the only paper found in the Mustang's interior were "scraps from under the rear seat" and "glove compartment" retrieved during a thorough search after the car was impounded and transported to a government garage.

Some law enforcement personnel and civilians also contradicted Wilson's account and confirmed that the interior of the Mustang was not filled with trash or paper. For example, FBI Agent Carl Claiborne, who spent five or six hours searching, processing, and inventorying the Mustang at the garage, told our investigation that the car's interior was "pretty clean, not junky." Civilian witnesses also describe the Mustang's interior as relatively tidy. On the other hand, two witnesses, who were pre-teens at the time, and one former FBI supervisor, now in his 80s, recalled the interior to have been "trashy," "full of junk," or looking "as if someone lived in it."(56) Most witnesses, however, had no recollection of the Mustang's condition, suggesting there may not have been anything remarkable about its interior.

No witness whom we interviewed or whose previous statement we reviewed recalled seeing the ashtray overflowing with cigarettes, as Wilson claims. In fact, most witnesses did not recall anything about the ashtray. A 13-year-old boy (see footnotes 53 and 55 above) recalled only a cigar butt in the ashtray, and he and his mother remembered cigarette or cigar ashes on the floor of the automobile. In addition, former agent Claiborne "was fairly certain" he saw a couple of cigarette butts in the ashtray when he searched the car, but the inventory of evidence records nothing about the ashtray.(57)

Even assuming Wilson accurately described the Mustang's condition, his description is not probative of whether he was at the scene, opened the car, or took documents from it. Wilson had the opportunity to learn about the car's condition elsewhere. In fact, he told our investigation that he saw the Mustang at the garage where it was impounded. He also could have acquired information about the Mustang's condition from other accounts that were in the public domain before he made his revelation. For example, in the 1995 book, *Orders to Kill* , Dr. Pepper reported that an unnamed witness described the ashtray using the exact same word as Wilson -- "overflowing." Accordingly, even if the contradictory accounts relating to the condition of the Mustang's interior were reconciled, it would not resolve whether Wilson's claims are true.

6. Wilson's Claim that He Participated in the Search of Ray's Room

Wilson also claims to have participated in another aspect of the FBI's investigation of the assassination. He told both District Attorney Howard and our attorneys in March and September 1998, respectively, that he was involved in a "black bag" burglary(58) of the room James Earl Ray had rented in Atlanta shortly before the assassination. He said that he acted as a courier for the undercover FBI agents who conducted the search and delivered to an Assistant Director of the FBI a large envelope containing materials taken from Ray's room.

Information from FBI records and interviews of agents reflect that the FBI conducted a surreptitious search of Ray's room in Atlanta nearly two weeks after the murder. At the time, Ray, then known as Eric Galt, had been identified as a suspect. Nothing corroborates Wilson's claim that he was involved. Both agents who participated in the search unequivocally told our investigative team that Wilson had no part in the "black bag" job and one specifically recalls delivering the fruits of the search to the FBI field office himself. Since each has admitted participation in the unauthorized activity, neither has a motive to deny Wilson's involvement. Nor would it have been unusual for Wilson to have learned of the activity from office gossip afterwards.

During our investigation, several former agents also reported that the FBI did not have agents with less than a year of experience participate in potentially sensitive operations like a "black bag" job of Ray's room. Indeed, the two agents involved in the search were both experienced agents. Thus, even if a courier had been required -- which was not the case according to the undercover agent who actually found and transported the evidence -- an experienced, reliable agent, not Wilson, most probably would have been chosen.

7. Conclusions regarding the Evidence

We found no evidence to support Wilson's accounts that he either took documents from Ray's car or participated in a search of Ray's room. Accordingly, his claims about his participation in the investigation of Dr. King's assassination remain unsubstantiated.

In addition, we found substantial, independent evidence to contradict important aspects of Wilson's claims. First, we found reliable evidence to contradict Wilson's allegation that the passenger-side door was ajar or unlocked. Documents, photographs, eyewitness accounts, and expert opinion uniformly establish that neither door was ajar and that the passenger-side door was locked when FBI agents were on the scene. In addition, had the passenger-side door been ajar as Wilson claims, Atlanta police detectives would not have reported finding the car locked and used a coat hanger to unlock the driver-side door.

We also found substantial evidence to contradict Wilson's claim that he opened the Mustang because uniformed officers were debating whether to open the car. Our investigation revealed that all of the Atlanta detectives at the scene, including the two who initially unlocked the Mustang, were in plainclothes. Moreover, we found no reliable evidence to suggest that there was a disagreement between uniformed officers at the scene about unlocking the car. Even if there were one, any such discussion would have occurred long before any FBI agents arrived.

Furthermore, the contradictory evidence regarding the condition of the Mustang's interior does not corroborate Wilson's claims that he was at the scene, opened the door, or took the documents. Because Wilson could have learned about the condition of the car without being at the scene, his description does not shed light on the truthfulness of his account. In addition, although we could not definitively resolve whether Wilson was at the scene, his failure to appear in any photographs, which depict several other agents and local police officers, suggests that he was not.

Wilson's allegation that he participated in the "black bag" job of Ray's room is likewise unsubstantiated and contradicted by the agents who actually participated. It thus casts further doubt on Wilson's credibility and suggests that he may have aspired to having had greater involvement in the FBI's investigation of the King assassination than he actually had.

On balance, the evidence makes it substantially more likely that Wilson's claim that he took documents from Ray's car is false. Wilson's allegations that he took evidence from Ray's car and participated in a search of his room both remain uncorroborated and are contradicted by reliable information. In fact, important aspects of his accounts cannot be reasonably squared with well-documented information from several sources. Consequently, while the evidence does not make it impossible that Wilson's claims are true, it strongly indicates that they are not.

E. Implausibilities In Wilson's Account

It is impossible to determine with absolute certainty the truth of certain details of Wilson's varied accounts. Aspects of his version of events nonetheless seem so improbable as to be unbelievable.

1. Wilson's Purported Motive for Tampering with Ray's Car

Wilson told the District Attorney that he opened the Mustang's door because the police were arguing and he thought it "was silly" that "no one [had] open[ed] the door." This explanation is unconvincing in light of Wilson's training, the significance of the Mustang, his purported commitment to civil rights, and the fact that he was a new agent not assigned to the crime scene.

When Wilson allegedly went to the scene, he was fresh from the FBI's academy, having just received extensive instruction in criminal investigative techniques. Thus, consistent with the most fundamental of training policies, he would have been schooled not to contaminate, tamper with, or unnecessarily touch a crime scene. Even when speaking to District Attorney Howard about the documents, Wilson acknowledged that such practices "go[ ] to the training and things that are instilled in you as an agent."

When Wilson purportedly went to the scene, he was also unquestionably aware of the extraordinary significance of Ray's Mustang. In fact, he told District Attorney Howard that "everyone in the United States was looking for [the] white Mustang." According to Wilson, the Mustang was "an infamous car."

Official documents also reflect that senior FBI officials in Washington, D.C. and the Atlanta field office, where Wilson worked, issued instructions that no agent touch the car. Thus, all FBI agents should have been more likely to exercise extreme care and adhere to standard law enforcement procedures with regard to Ray's car. In light of these circumstances, it seems incredible that a novice agent, like Wilson, would have had been foolhardy enough to tamper with Ray's car and steal evidence.

Moreover, even if there had been an "argument" between law enforcement officers about opening the Mustang's door -- a point unsubstantiated and contradicted by independent evidence -- it seems unbelievable that Wilson would have found it "silly" and totally implausible that it would have caused him to disregard his training and explicit instructions from senior officials. In fact, given Wilson's claim that he became an FBI agent because of his concern for civil rights, it seems inconceivable that he would have chosen -- for any reason -- to touch the Mustang, confiscate evidence, and potentially compromise the search for and conviction of Dr. King's murderer.

2. Wilson's Purported Motive for Public Disclosure after 30 Years of Silence

Wilson told Howard that the "sole predication for my coming forward is to be * * * of assistance to the * * * King family in their effort to get at the truth." He explained that he would not have released the documents had he "not seen Mrs. King make an appeal * * * this pass [sic] summer * * * to have a trial for Ray in order that the King family * * * could have answers to questions that they have sought regarding the death of Reverend King."

Wilson's explanation for disclosure of the documents after three decades of silence is suspect. If Wilson intended to assist the King family, he never would have concealed the existence of the document with the FBI office telephone number during his initial public disclosure. Likewise, if Wilson were genuinely interested in a full investigation aimed to "get at the truth," he never would have withheld the original documents until execution of a search warrant was imminent, provided false information, or refused to furnish information about the alleged burglary of his office.

Furthermore, if Wilson actually sought discovery of the truth, he would have disclosed the existence of the documents long before 1998. Since his resignation from the FBI, there have been several public investigations that focused on specific claims directly relevant to the documents. For example, not long after Wilson resigned from the FBI, Congress conducted a highly publicized investigation of both the Kennedy and King assassinations. It specifically considered allegations regarding Raoul and whether the FBI, its Atlanta field office, or others were involved in a conspiracy. It also evaluated James Earl Ray's claims that he was framed by Raoul and a government conspiracy. In so doing, it heard the testimony and examined the conduct of former FBI agents whom Wilson knew and worked with in Atlanta. If Wilson found papers in Ray's car with the telephone number of the FBI Atlanta field office and the name Raul, it is suspicious that he did not come forward with his evidence during the congressional investigation. Indeed, the HSCA hearings provided Wilson, when he was no longer an FBI agent, the perfect opportunity, wholly independent of the FBI or Department of Justice, to reveal his information to a receptive audience.

Wilson's silence over the years is even more inexplicable in light of his alleged commitment to civil rights, purported concern for justice, misgivings about the FBI, and training as a law enforcement officer. During his meetings with District Attorney Howard and our attorneys, Wilson spent considerable time expressing his disillusionment with and distrust of the FBI. Thus, if Wilson, as a former law enforcement officer, actually had evidence that both potentially implicated the FBI and suggested the innocence of the person in prison for the murder of Dr. King, it is unbelievable that he would have hid it for 30 years.

In any event, Wilson has offered no explanation for his failure to come forward after he saw the 1993 HBO mock trial and, as he has claimed in one of his accounts, fully recognized the significance of the documents. Instead, he remained silent for another four years. Consequently, his explanations for keeping the documents secret are unconvincing.

F. Scientific Testing And Analysis Of The Documents

1. Description of the Documents

In September 1998, our investigative team obtained two documents from Wilson. See Attachment 1. The first document is a partially torn page from a 1963 Dallas, Texas telephone book, which lists persons with the last name of Hunt. Two pencil entries are handwritten in the upper margin of the partial page: "J" with a surrounding circle, followed by "LA 84775" and "Raul 214-." Immediately following "Raul 214-," the page is torn.

In 1963, as today, "214" was the area code for Dallas, Texas, and "LA 84775" was a telephone number listed in both the Dallas business and residential directories. It was listed as Jack Ruby's office and as the Vegas Club, a Dallas night club owned by Ruby. The number was permanently disconnected shortly after Ruby murdered Lee Harvey Oswald, President Kennedy's accused assassin.(59)

The second document consists of eight lines of handwriting. The first six lines are two columns of handwritten words and numbers. On the last two lines is written "before 4-15 [unintelligible];" "after Raul X 213."

The handwritten column of numbers may be a list of monetary amounts because all of the handwritten figures end with ".00." None of the words -- except the name "Raul" -- appear to have any connection to Dr. King's assassination or James Earl Ray. The notation "before 4-15" could, however, refer to April 15 since Dr. King was killed on April 4. Additionally, another notation "X 213" could refer to a telephone area code, a telephone extension, or a room number. Ray was known to have spent time in Los Angeles, which in 1968 had a 213 area code. We were unable, however, to find any facts to support such speculation about "before 4-15" or "X 213."

Because the figures and words on the second document otherwise seem to have no meaning, the investigative team retained an expert in the private sector to determine whether the document evidences a code. Bruce Schneier of Counterpane Systems concluded that "[a]lthough it is * * * possible that the numbers do form a code, [it] is extremely unlikely." Accordingly, we found no plausible leads to investigate based on the information written on the second document.

2. Results of Scientific Testing and Analysis

The investigative team met with experts from the United States Secret Service (USSS) laboratory and arranged for appropriate scientific testing and analysis of the documents. The central issues sought to be addressed -- whether the documents came from Ray's car in 1968 and who authored them -- could not be definitively answered. The laboratory also could not determine the precise age of the handwritten notations on the documents. Circumstances related to one of the documents, however, raise suspicions about its authenticity.

a. Origin and age of the documents

The laboratory compared the torn page from the telephone directory with a comparable Dallas telephone directory from the Dallas Public Library and found the aging of the sample consistent with an actual directory. In addition, it found the words printed on the sample identical to what appears on page 386 of a 1963 Dallas directory. As to the appearance of both documents, the USSS found that "[t]he yellowing and brittleness * * * is consistent with expected natural aging."

Because all the handwritten entries on the two documents were in pencil, rather than pen, the laboratory could not pinpoint the precise age of the writing. It nonetheless initially drew some conclusions about the age of the notations by studying the paper and analyzing the pressure used to make the handwritten entries. It noted that the pressure from the handwriting was sufficient to have produced cracking on the back side of old, brittle paper if "recently" made. Because no "microscopic fiber breakage was detected" on the documents, the laboratory concluded "there is no evidence to suggest that these entries were produced recently on old paper." It further explained that because "[t]he false creation of these documents would have required a great deal of knowledge regarding ink, paper, and document aging," "it is unlikely that the[ ] documents were recently produced."

Subsequently, we obtained and furnished the USSS laboratory with an original 1963 Dallas telephone directory that had been stored in a public library. We asked them to test and compare the sample directory with the original Wilson document.(60)

The laboratory found there was "[c]onsistency in brittleness and overall aging characteristics" between the Wilson document and the actual 1963 telephone directory. After writing on page 386 from the 1963 telephone directory "utilizing similar pressures and angles and various backing materials" and comparing the results with the Wilson document, "[n]o differences in brittleness or fiber breakage were noted." Thus, based on its earlier finding that the handwritten notation "Raul 214-" was placed on the Wilson document after it was torn from the telephone book, see Section V.F.2.d. below, and its writing experiments, the USSS concluded that "a 1963 Dallas telephone book could have been located, a page torn from it and a pencil entry added in recent times to create a document consistent with" the Wilson document.

Scientific testing could not resolve whether the Wilson documents are authentic, the precise age of their handwritten entries, or whether they actually came from Ray's car in 1968. However, because the USSS found no "microscopic fiber breakage" when it wrote on an actual page from a 1963 Dallas directory, the Wilson document could have been recently created by someone finding a 1963 Dallas telephone book, ripping the appropriate page from the book, and writing the pencil entries on the page.

b. Authorship of the documents

The investigative team furnished the USSS with handwriting samples for comparison with the known handwriting of several individuals, including James Earl Ray, his two brothers, Jerry and John, Donald Wilson, and a Raul from New York, whom Ray and others identified in 1994 as Raoul. See Section VI.C.2. below. As to the document consisting entirely of handwritten penciled notations, it concluded that "it is unlikely that any of the specimen writers authored the questioned material." It also found the handwriting on the torn page from the Dallas telephone directory was too "limited" to "determine[ ] with any degree of certainty, whether or not any of the submitted specimen writers is the author."

The USSS also examined the documents to determine whether the notations were naturally written or disguised. It found "no evidence of disguise" based on the "examinations [that were] possible." It further noted that "[a]lthough the questioned writing [on the document consisting entirely of handwritten entries] contains some evidence of slowness and uniform pressure, the absence of known handwriting exemplars precludes a determination as to whether the writing is a simulation." It also concluded that "in all probability," the handwritten notations on the two documents were made by different persons because they were applied with different pencils and pressure and have dissimilar individual characters.

c. Absence of latent fingerprints

The USSS laboratory evaluated the documents under laser light for latent fingerprints and found none. We then considered whether to treat the documents with chemicals to search further for latent prints. Because this destructive procedure affects the ability to conduct future testing, we chose not to chemically process the documents for fingerprints. Since scientific testing had not resolved the age or origin of the documents, we wanted to preserve their integrity in the event further analysis becomes appropriate. Moreover, because of the condition of the documents, utilizing a destructive chemical process appears only marginally more likely to achieve useful results than the unsuccessful laser examination.

d. Scientific analysis of the torn page from the 1963 Dallas telephone directory

Scientific testing of the partial torn page from the telephone directory establishes that "Raul 214-" was written in the upper right margin after the page was torn from the telephone book. The USSS explained, "[m]icroscopic analysis indicates that [the] pencil entry not only is contained on the top surface of the document, but also within the torn edge." In other words, the penciled dash (-) from the "Raul 214-" extends onto the torn edge of the page.(61) The USSS also found that the pressure and sharpness of all the characters indicate that the entire entry was made "at the same moment with the same pencil."(62) Accordingly, it explained, "[a]s a result of all the examinations and experiments it can only be concluded that the entry ["Raul 214-"] was placed after the tear."

G. Suspicious Circumstances Relating To The Torn Page From The 1963 Dallas Telephone Directory

There are several suspicious circumstances relating to the partially torn page from the 1963 Dallas telephone directory. First, the content of a handwritten entry and its placement on the torn page suggest that the document was designed to create the false impression that James Earl Ray once possessed Raul's full telephone number. The notation "Raul 214-" appears to be a reference to Raul's area code since 214 was the area code for Dallas, appears on a page from the Dallas telephone directory, and immediately follows the only other handwritten entry, which is a Dallas telephone number. Because the page is torn precisely at the point of the dash (-) of "Raul 214-," the document seemingly implies that Raul's entire telephone number once followed and was written on the page when it was whole and not yet torn from the directory.(63)

The scientific evidence described above nonetheless demonstrates otherwise. Scientific testing established that "Raul 214-" was written on the scrap of paper after it was torn from the telephone directory. Thus, contrary to the impression the document creates, the pre-torn, whole page from the telephone directory never contained the remainder of Raul's telephone number.

The notation of Raul's area code without his entire telephone number is suspicious. An area code without the remaining telephone number is of little use since it could not have provided Ray or anyone else with enough information to telephone Raul. It also seems strange to note only the Dallas area code, particularly when the Dallas telephone number written immediately before it has no area code. Thus, scientific testing suggests that "Raul 214-" was placed on the document to create the false impression that James Earl Ray once possessed Raul's entire telephone number.

The torn page from the telephone directory also creates the impression that the assassinations of Dr. King and President Kennedy are connected. The document, which was allegedly found in Ray's car, notes the telephone number for Jack Ruby, Oswald's murderer; lists the telephone number for the Hunt family, whom some conspiracy theorists have speculated was involved in the assassination of President Kennedy; and mentions Raul. Additionally, because "Raul 214-" is written in the margin immediately next to Ruby's telephone number and Wilson claims to have retrieved the paper from Ray's car, the document implies that a Raul is somehow connected to both assassinations.(64)

Contrary to the impression created by the document, we found no credible evidence that there is any connection between the two assassinations. Consistent with other official investigations, we found nothing reliable to connect James Earl Ray with anyone associated with President Kennedy's assassination, including Jack Ruby, Lee Harvey Oswald, or the Hunt family. In addition, we found no credible evidence to link the King assassination to the Hunt family, Jack Ruby, or any alleged conspirator in the Kennedy assassination. Other than the document itself and the uncorroborated, unreliable claims originating with witness Glenda Grabow (see Section VI.C.1. below), there is nothing to suggest that a Raul is linked to the Kennedy assassination.(65) Accordingly, it is far-fetched that a document connecting the two assassinations and suggesting that a Raul was somehow involved in both crimes would have fortuitously fallen out of Ray's abandoned car.

The possibility that the torn page came from Ray's car in 1968 is even more doubtful since the telephone number for Jack Ruby, written in the margin of the document -- "LA 84755" -- was permanently disconnected more than four years earlier, shortly after Ruby murdered Oswald in 1963. From 1960 until April 23, 1967, when Ray escaped, he was incarcerated in the Missouri State Prison in Jefferson County, Missouri. Because Ray was jailed until four months after Ruby died in a different prison in January 1967, Ray would not have had contact with anyone allegedly connected with the Kennedy assassination for the three years preceding and following the crime. Indeed, there seems to be no reasonable explanation for Ray's possessing in April 1968 -- a year after his escape from jail -- a torn page from a 1963 Dallas telephone book that provides a disconnected telephone number for Jack Ruby.

Even if such evidence had been in Ray's car, it seems implausible that it fortuitously fell out, as Wilson claims. Nothing else found in the Mustang when it was searched mentions a Raul or suggests a connection between the assassinations of Dr. King and President Kennedy. Indeed, as discussed in Section VI below, no evidence has been found in the three decades following Dr. King's assassination that even suggests that a Raul or Raoul exists. Thus, even if Wilson was at the scene and opened the Mustang's door, it seems implausible that such documents would have been in the car.

Ultimately, the contents of the documents alone do not conclusively establish that they are fabricated. At a minimum, however, they strongly suggest that Wilson did not obtain the documents from Ray's car.

H. Consideration Of Wilson's Belated Revelation Of An Additional Document

As discussed previously, Wilson revealed for the first time in September 1998 that he allegedly took an additional document from Ray's Mustang. According to Wilson, the document was a piece of paper with the telephone number of the FBI Atlanta field office and otherwise unremarkable in its appearance. Additionally, he claimed that he could not remember whether the writing was in pen or pencil or its color. He provided no further details about the document.

Assuming the document exists, Wilson gave inconsistent information about its current location, claiming both that he had it in 1998 and that it had been stolen ten years earlier from his office. Equally significant, Wilson has failed to produce the document or a copy of it and refused to provide information that he claims might lead to its recovery.

We nonetheless reviewed the historical record to consider the inferences suggested by Wilson's belated claim that the document fell from Ray's car. We found no evidence that James Earl Ray was in any way involved with or connected to the FBI or had any contact with its officials or agents prior to the assassination. The 1976-1977 DOJ Task Force specifically investigated whether the FBI was involved or participated in a conspiracy related to the crime. It concluded there was no evidence suggesting either. In 1979, the HSCA reached a similar conclusion after a thorough investigation. We found nothing to disturb the conclusions of these two investigations or to suggest that the additional document is legitimate.

Wilson's belated claim, in and of itself, suggests no new investigative leads. Without the document, information concerning its whereabouts, any independent evidence suggesting a tie between James Earl Ray and the FBI, or evidence to substantiate any portion of Wilson's contradictory allegations, no further investigation is warranted.

I. James Earl Ray's Comments About The Wilson Documents

If Wilson took the documents from James Earl Ray's car and they relate to Ray's activities at the time of the assassination, Ray should have remembered them. Significantly, he did not.

On March 26, 1998, a reporter with the *Atlanta Journal-Constitution* interviewed Ray about the documents by telephone. Ray stated that he did not recall the documents or know of any connection between Jack Ruby and the assassination of Dr. King. He also expressed a desire to verify Raoul's existence and commented that the documents "definitely help." He declined, however, to confirm that the documents came from his car.

Ray's comments are significant not only because he would most likely have been aware of what he left behind in his car, but also because he clearly had a strong motive to claim the documents. When interviewed, Ray was 70, dying of terminal liver disease, and knew that the discussion might be one of his final opportunities to vindicate his name or obtain the trial he had been seeking. In addition, Ray had maintained for 30 years that Raoul caused him to become an unwitting participant in the assassination. Since the documents would have been the first and only substantive evidence tending to verify Raoul's existence and his connection to Ray and the alleged conspiracy, Ray would have claimed them if they actually came from his car. Even if they did not come from his car, Ray nonetheless had a strong motive to maintain they were authentic. But, he did not do so. Thus, Ray's response refutes Wilson's allegation.

J. Wilson's Conduct During Our Investigation

1. Wilson's Refusal to Provide the Documents

When Wilson was interviewed by District Attorney Paul Howard in March 1998, he not only claimed that he wanted the Department of Justice to investigate but also sought Howard's assistance in getting the documents to Attorney General Reno. He also explained his distrust of the FBI and predicted it would seek to destroy him when it learned about the documents. He repeatedly told Howard that he hoped that the Attorney General "will do the right thing and initiate some sort of action to get to the bottom of this thing so we can once and for all get this matter behind us." Immediately after the meeting, Wilson, accompanied by Dr. Pepper, attended a press conference.

Ten days later, on the 30th anniversary of Dr. King's death, Wilson appeared in Memphis as a speaker at a conference of the Coalition on Political Assassinations, a Washington-based group interested in conspiracy theories. In his speech to the group, he withdrew his offer to provide the documents to the Department of Justice.

During the next several months, Wilson granted interviews to several reporters. He even took one reporter to a bank and was photographed with two of the documents he said he took from Ray's car.

In September 1998, Wilson met with our attorneys. He took them to a bank, but refused to show the original documents or to commit to their future release after he learned a United States Marshal was posted at the location. In fact, Wilson only turned over the documents after he learned that execution of a search warrant for his bank safe deposit box was imminent. Wilson made several substantially inconsistent statements about the documents and their recovery. See Sections V.B. and C. above.

2. Wilson's Refusal to Provide Information and Accept Immunity

Wilson's lack of cooperation continued after our investigative team obtained the documents. Wilson has not been forthcoming with certain information. Most significantly, he repeatedly refused to answer questions about the alleged theft of documents from his office, even though he claimed to have information that might lead to their recovery.

In April 1999, citing information contained in the affidavit in support of the search warrant for the documents, Wilson expressed a concern that he might be prosecuted for having concealed and withheld the documents in violation of federal law. He requested that we draft an immunity agreement for his consideration. In a letter dated April 22, 1999, we provided Wilson a draft agreement that offered him immunity for any federal law violation committed "in connection with the documents" so long as he fully cooperated with our investigation and provided all information and evidence relating to the documents. See Attachment 7. Without explanation, Wilson not only rejected the offer, but expressed his intent to terminate all "further dialogue with the Department of Justice." See Attachment 8. He also declined our offer to take a polygraph examination even though the *Chicago Tribune* reported that he had offered to take one.

3. Conclusions Regarding Wilson's Failure to Cooperate Fully

Wilson's interactions with the King family and Dr. Pepper, the District Attorney, the media, and our investigative team have been inconsistent with his professed desire for a full investigation to disclose the truth about the documents. In fact, Wilson has been evasive, dilatory, and duplicitous.

Wilson initially sought out the King family and the District Attorney purportedly to ensure that the Department of Justice fully investigated the documents. He nonetheless refused to release the original documents until a search warrant was obtained and its execution was imminent. Thereafter, he refused to provide information related to the documents allegedly stolen from him and eventually terminated all contact with our investigation after receiving the immunity agreement he had requested. Wilson also made incomplete, varied, and inconsistent statements to our investigative team. Moreover, those statements contradicted the previous accounts he gave to the King family and Dr. Pepper, the District Attorney, and the media.

Wilson's lack of cooperation and contradictory statements about the documents raise serious suspicions about his motives and credibility. His withholding of the original documents, refusal to answer questions about the allegedly stolen documents, and precipitous rejection of our offer of immunity, all suggest an ulterior motive -- a concern about disclosing the truth. His irreconcilable contradictory statements establish that he was necessarily untruthful on one occasion or another, and likely altogether untruthful.

Wilson's duplicitous conduct is further evidence that he is not telling the truth about how he obtained the documents.

K. Conclusions Regarding Wilson's Allegations

The evidence establishes that Wilson did not find the documents in Ray's car as he claims. No single factor or piece of evidence leads to this conclusion. Rather, Wilson's inconsistent statements, his conduct, and substantial, independent evidence refuting his claims, all demonstrate that his implausible accounts are not worthy of belief.

In March 1998, Wilson publicly disclosed that for 30 years he had been concealing documents he said he took in 1968 from Ray's abandoned car. At the time, he claimed that he retrieved four documents from Ray's car. Wilson also explained that he did not look at the documents until he got home that night and only recognized their significance in 1993, after he watched a televised mock trial about the assassination.

Six months after his public disclosure, Wilson radically changed his account. For the first time, he claimed that he had actually found an additional document with the telephone number of the FBI Atlanta field office in Ray's car. That document, according to Wilson, along with the two others that he still had, were in his bank safe deposit box. The following day, Wilson changed his story and said that the newly-reported additional document had been stolen in the 1980s, along with the two business cards, by someone who eventually worked in the White House. He also reported that he immediately recognized the significance of the documents when he first looked at them at the scene. Because the inconsistencies in Wilson's accounts are irreconcilable, Wilson has necessarily been untruthful in his initial statements to the King family and Dr. Pepper, the District Attorney, and the media, or subsequent accounts to the investigative team and the media, or both.

We also found independent, reliable evidence to contradict fundamental aspects of Wilson's otherwise unsubstantiated version of events. For instance, Wilson claimed that he found the passenger-side door of Ray's Mustang unlocked and ajar and opened it because a discussion between uniform officers about whether to open the car was "silly." Original police records and investigative interviews establish, however, that two plainclothes detectives found the Mustang locked, as reported by civilians, and unlocked the driver-side door with a coat hanger approximately two hours before any FBI agents even arrived on the scene. Photographic evidence, original police records, eyewitness accounts, and expert analysis all demonstrate that when FBI agents were on the scene, neither door of the Mustang was ajar and the passenger-side door was locked. Thus, assuming Wilson was at the scene -- something we could not substantiate -- he could not have seen what he reported or gained entry to Ray's car as he described.

Wilson's conduct also belies his professed desire to have the Department of Justice fully investigate the truth about the documents. Within days of his public call for a full inquiry, he withdrew his public offer to provide the documents and resisted our efforts to obtain them. Even though he showed the original documents to the media, we did not see or obtain them until he learned that execution of a search warrant was imminent.

Wilson's refusal to share information he claims might lead to recovery of the purportedly stolen documents is also suspicious. So, too, is his rejection of immunity and precipitous termination of all contact with the investigation. Both suggest that Wilson is hiding information and is concerned about what the truth may reveal.

Also important to our conclusion is the fact that specific aspects of Wilson's account are implausible. We find Wilson's explanation for allegedly tampering with Ray's car totally unconvincing in light of his training, the significance of the crime scene, explicit instructions he received, his status as a new agent, and his joining the FBI purportedly because of his concern for civil rights. We also find Wilson's alleged motive for coming forward after 30 years implausible in light of his failure to provide complete, truthful, and consistent information to the King family, the media, and our investigative team since his initial disclosure. In addition, we find it completely implausible that a torn page from a 1963 Dallas telephone directory that links the assassinations of Dr. King and President Kennedy, contains references to Raul, and has the disconnected telephone number of Jack Ruby would have been in Ray's car in 1968 and fallen out just when Wilson allegedly opened the door.

Further, we find it compelling that James Earl Ray failed to identify the documents. He should have recalled them had they been in his car, and he had a strong motive to claim them, regardless of their authenticity.

Finally, scientific analysis could not conclusively determine who authored the documents or the precise age of the handwritten notations on them. The content of the writing and its position on the torn page from the Dallas telephone directory nonetheless suggest that the document was designed to create the false impression that the assassinations of President Kennedy and Dr. King are connected and that James Earl Ray once had Raul's complete telephone number.

We have no explanation for Wilson's initial public disclosure or subsequent contradictory accounts about the documents. Regardless of his motive, it is nonetheless clear that Wilson has been untruthful, withheld information, and provided inconsistent accounts that are implausible, unsubstantiated, and inconsistent with known facts.

Based on all available information, we do not credit Wilson's allegation that he found documents in James Earl Ray's car. Accordingly, Wilson's documents are not evidence related to Dr. King's assassination.

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VI. RAOUL AND HIS ALLEGED PARTICIPATION IN THE ASSASSINATION

A. Introduction

In 1969, James Earl Ray pled guilty to murdering Dr. King. After entering his plea and until his death, Ray maintained that he did not shoot Dr. King, was not at the rooming house when the fatal shot was fired, had no prior knowledge of the assassination, and was framed by a man he knew only as Raoul. Ray claimed that Raoul, who he thought to be a smuggler, directed him to purchase the 30.06 rifle recovered in front of Canipe's store and rent a room in the rooming house on South Main Street. Ray also contended that he gave the rifle to Raoul sometime before the assassination and left him in the rooming house hours before Dr. King was killed.

The Jowers allegations and the documents Wilson claims to have taken from Ray's car share a common thread with Ray's protestations of innocence. All suggest, in some respect, that Raoul participated in a conspiracy to assassinate Dr. King. Consequently, the investigative team reviewed materials regarding Raoul to determine whether he exists, can be identified, and actually participated in the murder.

We considered various sources of information in making our assessment. We reviewed the numerous allegations made over the past 30 years as to Raoul's identity. The investigative team also conducted our own independent inquiry to determine whether the newest subject identified by Ray and others as Raoul actually participated in the crime. In addition, because Ray initiated the claims relating to Raoul, we reviewed thousands of pages of Ray's statements in which he describes his activities preceding and following the assassination and his relationship with Raoul.

B. Suspects During The First 25 Years Following The Assassination

Over the past 25 years, James Earl Ray, those representing him, and others have specifically identified as many as 20 different persons to be Raoul. Each time evidence demonstrated that a specific individual was not Raoul, another potential suspect has surfaced. The cast of those falsely accused is an assorted group, which includes a Louisiana state trooper, an employee of a company now included in the Fortune 500, two CIA operatives, a governmental employee, an accountant, a homeless person, and a cancer researcher.

At the outset, none of the suspects appear to have anything in common. They are individuals of different races and nationalities, who come from various backgrounds, parts of the country, and walks of life. They do not share a common appearance or characteristic that caused them to be singled out, and none possesses most of the descriptive characteristics Ray has attributed to Raoul.

Typically, an individual has become a suspect merely when someone alleging to have information about the assassination has come forward with an accusation and a theory, even if far-fetched, as to the individual's participation. For example, in the late 1970s, authorities investigated whether a successful African American accountant from New Orleans with no criminal record was Raoul merely because Ray, who had always maintained that Raoul was Hispanic, made an accusation. Another potential suspect surfaced when Ray, relying on a business card with initials found in his Mustang, speculated that Raoul worked for a government agency and was part of a government-wide conspiracy. When it turned out that the initials could not have stood for the government agency Ray named because it did not exist at the time he found the card, that

wrong.

suspect was dropped.

Another wrongly accused individual turned out to be a deputy chief and 26-year veteran of a Louisiana sheriff's department. In that case, the House Select Committee on Assassinations dismissed the charge and explicitly found that "Ray's allegation was merely an attempt to gain credence for his Raoul story and to raise an implication of official complicity in the assassination."(66) Others accused have been discounted as subjects because the individuals making the allegations have been unworthy of belief, have varied their claims, or have changed their accounts to accommodate new, unfolding evidence. For instance, an inmate incarcerated for double murder and seeking publicity was even considered after he announced on BBC that he was Raoul. Accordingly, accusations related to Raoul have been varied and follow no set pattern.

In 1979, the HSCA specifically considered whether a Raoul participated in the assassination. After extensive investigation, it found that Raoul did not exist. The HSCA concluded that "Ray's post-assassination tale of Raoul was fabricated to conceal contacts with one or both [of his] brothers."

C. The Most Recent Allegations Regarding Raoul

In previous sections, this report has identified and discussed several so-called revelations about the King assassination following the HBO mock trial. In 1993, following the television program, Roy Grabow contacted Lewis Garrison and advised that his wife, Glenda Grabow, had information about who assassinated Dr. King. Thereafter, Ray's attorneys and various investigators repeatedly interviewed her and investigated her claims.

1. Raoul's Alleged Participation in the Assassinations of Dr. King and President Kennedy

According to Glenda Grabow, in the 1960s, a man she knew as Dago claimed he shot both Dr. King and President Kennedy. She reported that beginning in 1962, as a teenager living in Houston, Texas, she became friendly with Dago, whom she saw on and off over a period of several years.(67) At King v. Jowers, John Billings, a private investigator who worked with Dr. Pepper and television producer Jack Saltman and investigated Grabow's allegations, testified that Grabow did not know Dago's last name or nationality.

Grabow further stated that during the early 1960s, she was also friendly with a man by the name of "Jack," who she later learned was Jack Ruby, the man who shot and killed Lee Harvey Oswald, President Kennedy's alleged assassin. According to Grabow, she and Ruby had sexual relations and she posed for him for pornographic photographs. She also claimed that she knew one of President Lyndon Johnson's closest aides, who she said also produced pornographic material in the 1960s.

In 1963, approximately two weeks before President Kennedy's assassination, Grabow claimed she saw Jack Ruby give Dago some uniforms and heard him tell Dago to give them to "Mr. Lee." Later, she learned that "Mr. Lee" was Lee Harvey Oswald.

Grabow also reported that the day before President Kennedy's assassination, she went to the airport in Houston to watch his motorcade. She stated that while waiting for the motorcade, she saw Dago standing on the hood of a car parked in a field pointing a rifle with a large telescopic site. Grabow said that when Dago saw her, he drove away, chasing the President's motorcade.

Grabow reported that she saw Dago again, sometime after the President's assassination. She said Dago told her "he was there" in Dallas the day President Kennedy was killed. According to Grabow, Dago stated he "was upstairs with Oswald * * * [and that] he was shooting the gun, not Oswald."

Grabow also said that she had a conversation with Dago about Memphis and the scene where Dr. King was assassinated. She reported that after watching news accounts about the assassination with Dago, he pointed out a tree and while speaking about the scene of the shooting, said, "[I] tripp[ed] over it * * * [there were] all those things on the ground, they couldn't have missed it." According to Grabow, Dago was referring to broken tree limbs that were located behind the building from where the assassin had shot and killed Dr. King.

Grabow claimed that in the 1970s, after not seeing Dago for several years, she reestablished contact with him in Houston. At that time, she also met Dago's cousin, whom she called Armando or Amaro. She said she repeatedly helped Dago and Armando smuggle guns and make false passports.

According to Grabow, sometime in the 1970s, while at a friend's house, Dago noticed she was carrying a key chain with a photograph of President Kennedy and Dr. King. Dago got very angry, stomped on the key chain and photographs, and, referring to Dr. King, exclaimed, "I killed him once. Do I have to kill him again?" According to Grabow, Dago acted "like he was on something," took her into a bedroom, and raped her.

2. Searching for and Identifying Raoul

Based on conversations with Grabow, Dr. Pepper, Saltman, and private investigators believed that Dago might be the elusive Raoul. Relying on information she provided, they set out to try to find him.

Saltman and private investigator John Billings reported that they visited a merchant marine union office in Houston to search records for Dago's cousin Armando. After locating an Armando in the union files, they did a nationwide computer search for a Raoul with the same last name. They did not find a Raoul, but instead found a man living in New York state who spelled his first name "R-A-U-L" and had the same last name as the Armando they had located in the union records.

The private investigators then obtained a faxed copy of a 1961 black and white photograph of the New York Raul, which was originally part of his Immigration and Naturalization Service file.(68) At some point, Grabow was shown Raul's faxed immigration photograph in an array with five other black and white photographs.

It is not entirely clear what transpired when Grabow viewed the photo array. In an October 1996 affidavit, Grabow claimed that when Dr. Pepper showed her the array, she recognized the New York Raul's picture "[w]ithout hesitation" as the man she knew in Houston in the 1960s and 1970s. Similarly, in an August 1997 statement, private investigator, Kenny Herman, reported that Grabow identified Raul's picture from the array "with no hesitation."(69) However, the private investigator who claims to have shown Grabow the photographs, John Billings, has described a far more tentative identification. Billings reported in 1997 that Grabow "looked at [the same] picture of Raul, but could not positively identify him," and he testified in King v. Jowers that she was "unsure" that Raul was Dago.

Subsequently, Herman and others visited Ray in prison and showed him the same photo array that Grabow had viewed. For the first and only time in his life, Ray identified a specific person to be Raoul when he allegedly selected the photograph of the Raul from New York.(70) Garrison, and later Dr. Pepper, showed the same photo array to Jowers, who also selected the photograph of Raul.

In May 1995 and October 1996, Grabow executed two affidavits outlining her allegations regarding Dago's purported statement that he shot both President Kennedy and Dr. King. She later conceded that the affidavits were not in her own words "like [she] would have put it" and that she did not read them before signing them. Nonetheless, in her 1995 affidavit, Grabow claimed that Dago came from Brazil and that in 1970 Armando told her Dago's last name. In her 1996 affidavit, Grabow maintained that she learned the actual name of the man she knew by the "nickname [of] 'Dago,'" but did not specify how or when she did. In contrast, as previously noted, Billings, who investigated Grabow's claim, testified in King v. Jowers that she knew neither Dago's last name or his nationality.

In 1995, as a result of Grabow's allegations, Dr. Pepper added Raul as a defendant in Ray v. Jowers, the civil lawsuit filed on behalf of James Earl Ray, charging Jowers and Raul with falsely implicating Ray in Dr. King's assassination. In those pleadings, Dr. Pepper changed the spelling from "R-A-O-U-L" to "R-A-U-L." The court sealed all papers relating to the New York Raul to protect his identity and in February 1996, dismissed him as a defendant. Although testimony regarding some of the facts relevant to the New York Raul was subsequently presented in King v. Jowers, as discussed above, he was not named as a defendant in that litigation.

3. The New York Raul

The investigative team reviewed all the allegations and supporting evidence relating to the New York Raul and his alleged involvement in both the assassinations of Dr. King and President Kennedy. We also investigated Raul's background since immigrating to the United States from Portugal in 1961. Raul fully cooperated with our investigation and signed releases providing access to all information we requested, including medical, dental, financial, employment, social security, insurance, union, and Department of Motor Vehicles records. He also provided the investigative team with a sworn affidavit in which he denied any involvement in either assassination and meeting Glenda Grabow, James Earl Ray, Lee Harvey Oswald, Jack Ruby, or Loyd Jowers.

Members of the investigative team interviewed Raul in person on two separate occasions for a total of approximately four hours. We also interviewed several of his relatives and numerous persons within his community, including friends, an accountant, a physician, coworkers, teachers, and store owners. Raul also provided a handwriting exemplar that did not match any of the writings on the Wilson documents.

a. The suspect photo array and identifications

The photo array shown to Grabow, Ray, Jowers, and others, which included a representation of Raul, is deficient and unfairly suggestive. Thus, the resulting identifications are suspect.

The representation of New York Raul appears markedly different from those of the other five subjects pictured in the array and immediately stands out. See Attachment 9, a copy of the photographic array provided by Dr. Pepper, wherein Raul is represented in the middle photograph in the right column. The representation of Raul is the only one of the six representations with extremely high black and white contrast and no intermediate gray tones. The contrast in Raul's picture is so pronounced that the facial features are indistinct, large areas are entirely washed out, and all details are obscured. Thus, the representation of Raul appears more like a block print than a photograph and stands out markedly from the others.

Equally significant, the representation of Raul lacks sufficient clarity to reflect accurately his actual appearance. In fact, the representation is so poor that it bears no resemblance to the original photograph and, most probably, does not approximate his appearance when it was taken.

Finally, we have no information regarding how the photographs were displayed and what was said when they were shown. As a result, we cannot rule out the possibility that Raul was selected, at least in part, because of the manner in which the array was presented. Accordingly, the alleged identifications are not reliable evidence that the New York Raul is the man purported to be Raoul.

b. The New York Raul could not speak English

We have concluded that Raul did not participate in Dr. King's assassination, in part, because of his poor command of English at the time of the King assassination and his alleged contact with Grabow. Raul's difficulty with the language is significant since none of the persons who have identified him ever claimed to have any problem communicating with Raoul. In all his many interviews with attorneys, investigators, and members of the press, Ray merely said that Raoul had a "slight" Spanish accent. Similarly, Grabow maintained that Dago spoke English "well." Jowers also never stated anything to indicate he had difficulty conversing with Raoul.

The New York Raul came to the United States in December 1961. At the time, he was 27 years old, married to a woman who spoke only Portugese, and was unable to speak English, except for isolated common words like, "bread," "milk," "thank you," and "goodbye." Even today, Raul still has difficulty understanding English and speaks with a heavy accent.

Since coming to the United States, Raul has lived continually in the same Portugese immigrant community in New York state. Initially, most of his neighbors and all his friends spoke only Portugese, and he relied exclusively on members of the Portugese community for his needs. For example, when Raul needed to speak or understand English, a family friend or relative would translate.

In April 1962, Raul was employed at a General Motors plant in New York state and worked there full-time until he retired in August 1992. He was assigned to an assembly line with several other Portugese workers where there was no need to speak or understand English. Instructions were most often given by demonstration and if something required a complicated explanation, a fellow worker who knew both English and Portugese translated. It was not until 1975, through General Motors, that Raul received any formal education in English.

In 1976, when Raul's daughter was in the first grade, she was placed in a classroom for children whose "second language" is English. Raul's son, who was born in November 1962 and was also unable to speak English when he started school, would have been placed in a similar class had one then existed. As an acquaintance explained, Raul did not teach his children the language. Rather, he learned the little English he knows from his children.

In response to our questions, the persons we interviewed provided many examples of Raul's lack of proficiency in English. For example, a close family friend of Raul's distinctly recalls that in July 1967, the month Raoul allegedly met James Earl Ray, she was planning her parents' 25th wedding anniversary. She specifically remembered that Raul drove her and her brother to Macy's Department Store and lent them money (approximately $300) for her parents' gift. She pointed out, however, that she, not Raul, purchased the gift because he could not speak to the sales person in English. She further explained that Raul, "outside of his surroundings, [wa]s timid, not comfortable" because of his inability to speak the language.

Another witness, a nun, advised that in 1982, 14 years after the assassination, Raul still had extreme difficulty speaking and communicating in English. The nun, who taught Raul's daughter in sixth grade, vividly recalls meeting Raul when he brought wine to a school party to celebrate a teacher's wedding. When she tried to explain that wine was inappropriate for sixth graders, Raul responded in broken English, "Portugal, wine, wedding." She immediately recognized there was both a language and cultural barrier, and explained that had she not had extensive experience in her parish, which was comprised almost entirely of Spanish and Portugese families, she would have been unable to communicate with Raul.

Presently, Raul still has substantial difficulty with English. Witnesses advised that all of his friends are Portugese and that he communicates with them exclusively in that language. Portugese is still the only language spoken in his home and when he speaks English, he is difficult to understand. Without translation assistance from his children, we could not have interviewed him.

Raul is not able to write English proficiently. When he needs a letter in English, he writes it in Portugese and has someone translate and write it for him in English. A dentist who has known Raul for more than 30 years explained that he does not give Raul forms to fill out when he comes to his office because he would not understand them.

Accordingly, we found that Raul's inability to speak English at the time of the assassination, as well as at the other times Ray and Grabow claim to have associated with him, demonstrates that he could not be the person they claim to have known.

c. The New York Raul's full-time employment and presence in his community

The investigative team also determined that Raul was gainfully employed full time at General Motors and was seen frequently in the Portugese community in which he lived at the various times he had allegedly been with Jowers and Ray. His employment records and his community contacts also contradict Grabow's unsubstantiated claims that the Dago in Houston is Raul.

Ray claimed that from July 1967 until April 4, 1968, the day of Dr. King's assassination, he had face-to-face contact with Raoul on at least 18 different occasions in seven different cities.(71) Because at least 14 of the 18 days Ray allegedly met with Raoul were weekdays, Raul would have missed significant periods of work to have traveled to the various locations and met with Ray. General Motors' records reflect that Raul was consistently working in New York state during these times. His work records do not reflect any significant or lengthy absences during 1967 and 1968.

Moreover, work records from General Motors specifically reflect that Raul was consistently at work in 1962, 1963, 1971, and 1972, the periods of time when Grabow reported that she saw Dago frequently in Houston. Company records reflect that in 1963, 1968, 1971, and 1972, Raul worked 2,155, 2,005, 2,163, and 2,094 hours, respectively, which is consistent with full-time employment with General Motors each and every one of those years. Consequently, Raul could not have spent extended periods of time in Houston, as Grabow has claimed.

In addition, several persons we interviewed recalled seeing Raul during the relevant time frames in 1967 and 1968, when he allegedly met with Ray. See footnote 71 above regarding Ray's purported contact with Raoul in those years. For example, the woman who hosted the August 1967 wedding anniversary party (see Section VI.C.3.b. above), specifically recalls that Raul, who was very close to her father, was there. In addition, she is certain she saw Raul often in New York earlier during July and August of that year because he assisted with preparations relating to the party.

Another individual recalls seeing Raul at the Portugese social club almost weekly on weekday evenings between June 1967 and May 1968. He specifically remembers Raul at the club during that period of time because the man met his wife there at a dance in June 1967 and socialized with her at the club until becoming engaged in May 1968.

In addition, a dentist, who has personally known Raul for 30 years, remarked that it would have been virtually impossible for Raul to have traveled to be involved in the assassination, as alleged, and kept it secret. He explained that the Portugese community in New York in the 1960s and 1970s was a "very tight-knit" group where everyone knew, saw, and depended on each other. Similarly, several members of the community, who have known Raul and his family well, told our investigative team that they regularly saw Raul two and three times a week at work or social events at the Portugese club in 1967 and 1968. Given the nature of and close contact between members of the Portugese community, it does not appear possible for the New York Raul to have maintained a hidden identity and been away from the community for a significant period of time without others knowing about it.

d. Evaluation of allegations relating to Dago

Grabow's allegation that Dago (who she has claimed is New York Raul) assassinated both President Kennedy and Dr. King is wholly uncorroborated. There is no witness who verifies Dago's supposed confessions and no evidence that substantiates his alleged involvement in the crimes.

Moreover, Grabow is unreliable. Her allegations on their face are bizarre. For example, her claim that Dago was in the Texas Book Depository Building along with Oswald and actually murdered President Kennedy is unbelievable and far-fetched. So, too, is her claim that an aide to President Johnson made pornography in the 1960s. Notably, Grabow also once claimed that Jack Ruby fathered one of her children, but later she retracted the assertion.

There is little assurance that the photograph of New York Raul in the suggestive array is actually Dago. In fact, John Billings, who claims to have shown her the photographic array, testified in King v. Jowers that Grabow was unsure that Raul was Dago. It is also unclear when, whether, and, if so, under what circumstances Grabow allegedly learned Dago's last name. Although she claims in her May 1995 affidavit that Armando told her Dago's last name in 1970, Billings also testified that Grabow did not know the last name. Circumstances strongly suggest that Billings is correct. Billings and producer Saltman both claim that after interviewing Grabow, Saltman and private investigator Herman went to a merchant marine union in Houston specifically to determine Armando and

Dago's last name. Had Grabow known and furnished that information, there would have been no reason for them to make such an inquiry. There also is no evidence that the Armando the private investigators learned about in Houston is Dago's relative or the Armando that Grabow allegedly knew. After all, Grabow has not been clear as to whether Dago's relative's first name is Armando or Amaro.

Accordingly, Grabow's unsubstantiated, far-fetched allegations do not establish that Dago and New York Raul are the same person or that Raul is the Raoul purportedly involved in the assassination, let alone that Dago murdered Dr. King.

Grabow's recent conduct further undermines her credibility. During a scheduled meeting with attorneys from our investigative team at her home in Mississippi, her appearance and affect were inappropriate and she seemed somewhat dazed. Grabow appeared for the late-morning meeting wearing black lingerie. She commented that she was nervous because she had not taken her "nerve medication." In addition, the investigative team was forced to terminate the brief meeting before discussing her allegations since she reported that Dr. Pepper, whom she thought was her lawyer, had previously called and told her not to talk with us.

Subsequently, the investigative team confirmed that Dr. Pepper did not represent Grabow and scheduled another interview. Grabow canceled this meeting, allegedly because of car trouble, after members of the investigative team had traveled from Washington, D.C. to Memphis. She also insisted that investigators Herman and Billings be present for any subsequent interview, even though she had reported during our first meeting that they had caused her to fear for her safety and repeatedly stated "you don't know what they've put me through."

Later, Grabow said that she was reluctant to speak with the investigative team because her case worker, who treats her for her nervous condition, advised her not to talk to anyone interested in the King assassination. She also said that she thought anything she reported would "come out with Warner Brothers" and end up damaging her reputation. Additionally, Grabow again reversed her position about Herman and Billings, complaining that they had put her through a lot of trouble, including recently telephoning a relative and telling him to "run for your life."

We sent Grabow a letter confirming the details of her conversations with us and asking her to call collect if she was willing to cooperate. We have not heard further from her. Thus, despite repeated attempts, we were unable to interview Grabow about the various contradictions, ambiguities, and seemingly far-fetched allegations attributed to her over the years. Additionally, she has never been questioned under oath. She did not testify in King v. Jowers because, according to the testimony of her husband, she was recovering from an automobile accident.(72)

e. Conclusions regarding the New York Raul

We have concluded that the New York Raul had nothing to do with the assassinations of Dr. King or President Kennedy and had no contact with any persons involved in or allegedly connected with those crimes, including James Earl Ray, Glenda Grabow, Loyd Jowers, Jack Ruby, or Lee Harvey Oswald. We have reached this conclusion because: (1) the photo array containing Raul's picture is so inferior and suggestive that the identifications resulting therefrom are suspect; (2) Raul could not speak English during the period he allegedly participated in the assassinations; (3) Raul was gainfully employed by the same company in a full-time capacity from 1962 until his retirement 30 years later, was an active member of a tightly-knit, highly insulated Portugese community, and was often seen during the times he was allegedly planning the assassinations; (4) Grabow is not a reliable witness and her unsubstantiated, far-fetched allegations that Dago confessed to assassinating both Dr. King and President Kennedy do not demonstrate that Raul was involved; and, (5) neither Jowers, see Section IV above, or James Earl Ray, see Section VI.E. below, who also allegedly identified New York Raul's photograph, are reliable witnesses.(73)

Our conclusion is consistent with that of an inquiry completed in 1998 by the Shelby County District Attorney General. The District Attorney General concluded that Raul was not involved in the assassination of Dr. King. During that investigation, Raul voluntarily furnished fingerprints for comparison. Fingerprint analysis did not yield any matches to the latent prints lifted in 1968 from various locations relevant to the assassination, including the rooming house where Ray stayed in Atlanta, Ray's Mustang, and the Rebel Motel in Memphis, Tennessee. Based on this evidence and other investigation, the Memphis District Attorney General found "no proof to connect 'Raoul' to any activity in Dallas in 1963 or Houston in the early 1970s. What the proof indicates is that 'Raoul' was in his home city working when the King and Kennedy assassinations occurred."

D. Implications Of The New York Raul's Not Being Raoul

The implications of Raul's not being the Raoul allegedly involved in the assassination of Dr. King go beyond exculpating the New York Raul. In fact, they cast additional doubt on whether a Raoul was actually involved in the murder.

More than three decades after the assassination, there remains no plausible theory as to who Raoul might be. In addition, there is no credible evidence to verify that Raoul ever existed. To date, there is no reliable information as to Raoul's last name, appearance, whereabouts, contacts, or associations. There also is no documentary or physical evidence to establish Raoul's presence at any location. Indeed, if Raoul ever existed, it seems he did so without leaving a trace of evidence.

With regard to Raoul's alleged association with Ray, there is no evidence that they were ever together or that Raoul actually participated in the assassination. Despite the fact Ray consistently claimed that he was repeatedly with Raoul in numerous public places, cities, and countries over a nine-month period, not a single witness has come forward to substantiate their alleged association. Significantly, many of Ray's contacts during the same period of time, which were admittedly briefer, have been verified. Accordingly, there is no credible evidence or witness to substantiate Raoul's alleged existence or participation in Dr. King's assassination.

Our conclusion is consistent with that of other investigations. For example, in 1979, the HSCA noted:

> [t]he committee conducted an extensive investigation of Ray's activities during the preassassination period and yet uncovered no witnesses who would corroborate the existence of Raoul. * * * The absence of corroborative witnesses was a strong indication that Ray fabricated the Raoul story.

E. Ray's Contradictory Statements About Raoul

Because of the absence of credible information regarding Raoul's identity, we analyzed the original source of the allegations relating to Raoul -- James Earl Ray's statements.

Since his arrest for the murder of Dr. King two months after the crime until his death in 1998, Ray gave numerous accounts of the assassination. In many of these lengthy narratives, Ray carefully detailed his activities from the point at which he escaped from prison in April 1967 until he was arrested for Dr. King's murder in England in June 1968.(74) Throughout these accounts, Ray consistently maintained that he did not murder Dr. King, was not at the rooming house when the fatal shot was fired, and was framed by Raoul, a smuggler he allegedly met at the Neptune Bar in Montreal, Canada in July 1967. According to Ray, during the nine months prior to the assassination, he met Raoul more than 15 times in numerous cities, including Montreal, Detroit, Birmingham, New Orleans, Atlanta, and Memphis. Ray claims that until the week before the assassination, his contacts with Raoul dealt exclusively with smuggling contraband.

Ray's intricate accounts of his activities with Raoul and others, which are unrelated to the assassination, are substantially consistent. For example, Ray's commentaries of his smuggling activities with Raoul over the Canadian and Mexican borders in 1967 are elaborate, specific, and, for the most part, uniform. So, too, are his accounts of his activities and travels for the nine months prior to the assassination. Moreover, many of these events, which are unrelated to the killing, have been substantiated by other witnesses and documentary evidence.

In stark contrast, Ray's narratives about the assassination are jumbled and contradictory precisely at the crucial points when he and Raoul were allegedly enacting the crime. From Ray's purchasing of a rifle approximately a week before the assassination up through his escape from Memphis immediately after the shooting, Ray's description of his pursuits with Raoul are confused and materially inconsistent.

1. Ray's Description of Raoul

At the outset, Ray's descriptions of Raoul are completely inconsistent. During his lifetime, Ray gave as many as six conflicting descriptions, including that Raoul was a blond Latin French-Canadian approximately 35 years old; a red-haired French-Canadian; a 35 to 40- year-old man with dark, reddish-tinted hair; a Latin man of average height with sandy-colored hair; a small, Mexican man, lighter-complected than he; a ruddy, dark-complected individual with sharp features and "real" dark red hair, approximately 5'10"; a Latin man with dark, auburn hair, perhaps dyed; and a man with black hair with a dyed reddish tint.

Ray also failed to provide a credible explanation for his contradictory descriptions of Raoul. In fact, Arthur Hanes Jr., one of Ray's original attorneys, is quoted in a 1977 *New Times* article stating, "[w]hen you ask Ray a hard question, like for a better description of Raoul, he hangs his head, runs his fingers through his hair and says nothing. * * * Then he changes the subject."

2. Purchase of the Alleged Murder Weapon

In his narratives, Ray maintained that during the last week of March 1968, Raoul accompanied him to Birmingham and directed him to purchase the rifle that was later recovered on South Main Street after the assassination. His accounts relating to the rifle are both internally inconsistent and at odds with each other.

Based on information provided by store employees and confirmed by Ray, Ray bought one rifle from a Birmingham rifle store (Aero Marine Supply), then later exchanged it for another model. However, Ray repeatedly contradicted himself as to the number of trips he made, when he went, whether Raoul was there, and what instructions Raoul gave him. In one narrative, Ray stated, "I know I made one trip by myself * * * but the other * * * one I'm kind of vague on." In other accounts, he maintained that the first time he drove to Aero Marine, Raoul was in the car helping to find the place. He explained, "I'm a hundred percent certain, ninety-nine percent certain I took him back to the motel after we located the store and before I purchased the rifle." In another version, however, Ray claimed "'Raoul' went out there with me, maybe on the second visit to the store, because on reflection I don't think he went out there the first time." In still other statements, Ray maintained that Raoul went with him to Aero Marine and waited in the car when he purchased the rifle. In one of the same accounts, Ray contradicted himself again and said Raoul was with him on a second trip when he returned the first rifle for another model.

Ray's description of Raoul's activities during his second day in Birmingham are also contradictory. In at least three statements, Ray maintained that Raoul left Birmingham on the evening of their first day there and thus he never saw him the next day. In another statement, Ray maintained that Raoul came to his motel on the second day before he exchanged the first rifle and was also there when he returned to the motel with the second rifle.

Ray's accounts of what happened to the rifle after he finally completed the purchase are also conflicting. Ray alternatively claimed that he last touched the rifle in the store, test-fired three or four rounds in Mississippi, never test-fired it, gave the rifle to Raoul at the New Rebel Motel in Memphis on April 3, took the rifle to the rooming house April 4, and never saw the rifle in the rooming house.

3. The Day of the Assassination

During the 30 years following his plea, Ray could not develop and adhere to a single, consistent version of events regarding the assassination and Raoul's involvement in it. He also changed his alibi over time, even claiming both that he saw and did not see Raoul after the shooting.

a. Ray's alibi

Ray's original alibi, had he gone to trial in 1969, was that he was parked somewhere on South Main Street when the shot was fired and that Raoul ran out of the rooming house, jumped into Ray's car, covered himself with a white sheet, and then exited eight blocks later. Depending on the statement, Ray claimed that, at the time of the shooting, he was -- inside his parked Mustang, standing on the street beside his parked car, and away buying binoculars.

After entering his guilty plea, Ray completely changed his alibi to a story that was later proven to be false. He no longer claimed that he was on South Main Street or that he saw Raoul after the shooting. Rather, he insisted that he was at a gas station a few blocks away fixing a flat tire. This new alibi was discredited by employees of the gas station during the HSCA's hearings regarding the assassination.

While Ray unquestionably altered his alibi over the years to fit the known evidence, he remained consistent on one detail, essential to his claim that he was not at the rooming house when the fatal shot was fired. To his lawyers, the news media, authors, and investigators, Ray always maintained that he first learned of the assassination when he heard two news reports over his car radio while driving away from Memphis. However, this critical aspect of Ray's various alibis is undeniably contradicted by a revealing observation that we recently discovered in an FBI record prepared before Ray articulated his first alibi or was even apprehended. The April 12, 1968 FBI report regarding the examination of Ray's abandoned Ford Mustang notes that its radio was inoperable. Consequently, it would have been impossible for Ray to learn about the assassination over his car radio, as he claimed for the 30 years following his guilty plea. Thus, all of Ray's inconsistent alibis are fundamentally flawed.

b. Ray's initial meeting with Raoul on the afternoon of the assassination

Ray's accounts about his initial meeting with Raoul on the afternoon of the assassination also vary considerably. In different statements, Ray alternatively claimed that he met Raoul the first time he was in Jim's Grill, the second time he was in the grill, before renting a room, after renting a room, while his car was in a parking lot, and while his car was directly in front of Jim's Grill. He also stated there is a "slight possibility [that] I met Raoul the first time I visited Jim's Bar," a tavern a few blocks down Main Street from Jim's Grill.

Ray's accounts of the conversation during his initial meeting with Raoul are also inconsistent. Ray described the meeting as both "short," in which nothing was discussed other than his rental of a room, and lasting "a while," during which Raoul definitively said they would be there two or three days and reported he had already rented a room for himself. In other statements, Ray contradicted himself and said Raoul never stated how long they would be staying.

c. Ray's activities on the afternoon of the assassination

After initially meeting Raoul on the afternoon of the assassination, Ray allegedly saw him again several times in between various activities. Ray, however, contradicted himself about practically everything he allegedly did that afternoon, including when and where he went, where he parked, how many times he moved his car, what and where he ate, and when and where he met Raoul. As to his activities that afternoon, even Ray acknowledged, "I can't get straight * * * all the places I went," "I have some trouble recollecting," and "I'm just reconstructing."

For example, depending on the statement, Ray claimed he went to Jim's Grill once, twice, two or three times, and three times.(75) Similarly, Ray alternately maintained that immediately after renting a room from the manager of the rooming house, he went to pick up his Mustang that was parked in a public lot,(76) met Raoul in the street or in a bar, met Raoul in his room, or went to the binocular store. Depending on the version, Ray also insisted he made three, four, five, or six trips from the rooming house, "may have * * * got[ten] a sandwich or something," "got a Coke and ice cream," "might have had a milk," drank beer at Jim's Grill, and "probably had a Coke."

4. Conclusions about Ray's Contradictory Statements

Because Ray's accounts of his alleged activities with Raoul relating to the assassination are so contradictory and fundamentally flawed, they deserve no credence.

Our conclusion as to Ray's credibility is not unique. Several persons who worked closely with Ray, including some of his former attorneys, readily acknowledge that Ray often contradicted himself and repeatedly changed his story to fit the evidence that was available at the time. For example, one of Ray's former attorneys, Arthur Hanes, Jr., reported that Ray regularly changed specific facts to suit his version of events. According to Judge Hanes, "Ray was willing to and did change facts, as necessary to develop a convincing story." Hanes also shared his initial impression of Ray with author

William Bradford Huie, commenting "he's cagey like an old con." Huie's own description of Ray was similar. Huie reported that Ray consistently provided inconsistent stories. Another one of Ray's attorneys, Robert Hill, told author George McMillan that "Ray has an automatic eraser in his mind * * *. He can rearrange reality to suit himself."

Our investigation is not the first to doubt Ray's claims as to Raoul's alleged involvement in the assassination of Dr. King. In 1979, the HSCA "gave no credence to Ray's story of 'Raoul'" because it was so flawed. The 1976-1978 Department of Justice Task Force also concluded that James Earl Ray shot Dr. King. It reported that "Ray's assertions that someone else pulled the trigger are so patently self-serving and so varied as to be wholly unbelievable."

F. John Ray's Allegation Regarding Raoul

John Ray is one of James Earl Ray's surviving brothers. The HSCA concluded that evidence suggests that either he or his younger brother Jerry or both may have been James' accomplices. The Shelby County District Attorney General recommended that our investigation consider whether James' two brothers were involved in the assassination.

In 1998, John Ray made statements to the media and wrote the Attorney General offering to disclose information about the assassination in return for financial compensation. As a result, members of the investigative team interviewed John Ray on December 3, 1998. He claimed that when he and James were jailed together in 1974, James confided information establishing who was responsible for the assassination. John Ray refused, however, to provide any specifics of what he had purportedly been told by his brother, except that the information would not inculpate either Jerry Ray or him.(77) Rather, he proposed to provide detailed information only if compensated by the government or the King family.

We did not agree to John Ray's demand for money. We told him we had concerns about his credibility given his refusal to provide any information to corroborate his claim, as well as his acknowledgment that he had lied under oath to the HSCA when he testified that he had not assisted James' 1967 prison escape. In response, he agreed to consider our offer to submit to a polygraph examination.

John Ray never responded to our proposal. Instead, he wrote Mrs. Coretta Scott King on January 15, 1999, claiming that Raoul shot Dr. King and that James Earl Ray was falsely accused. John Ray told Mrs. King that Raoul and James were both OSS (Office of Strategic Services) agents in the late 1940s when James was in the Army. According to the letter, James confessed to the King assassination to avoid prosecution for shooting a fellow soldier in Germany.

Beyond the implausibility of John Ray's story, it is inconsistent with James' contention that he first met Raoul in Canada years after his military service. It also contains a historical inaccuracy. James Earl Ray's undistinguished military career in Germany lasted from July 1946 to December 1948. The OSS was disbanded in 1945.

G. Conclusions About Raoul's Alleged Participation In The Assassination

We have concluded that a Raoul did not participate in the assassination. This conclusion further supports a finding that Jowers' allegations and the Wilson documents -- which mention Raoul and Raul, respectively -- do not present legitimate information about the assassination.

We found no credible evidence or witness to substantiate Raoul's existence or involvement in the assassination. More than 30 years after the crime, there still is no reliable information suggesting Raoul's last name, address, telephone number, nationality, appearance, friends, family, whereabouts, or any other identifying characteristics. In addition, there appears to be no viable lead to pursue to obtain such information.

We also have concluded that the most current accusations concerning Raoul's identity are totally unfounded. Like the approximately 20 persons who have been erroneously identified as Raoul during the first 25 years following the assassination, the New York Raul has been wrongly accused. Thus, there is no current suspect or credible theory as to who Raoul might be.

We find the total lack of evidence substantiating Raoul's existence significant in and of itself. It is remarkable in light of the fact that Ray's defenders have vigorously searched for Raoul for more than 30 years (as have others who have extensively investigated and researched the assassination), reviewing countless volumes of evidence and interviewing hundreds of witnesses. In addition, since Ray often claimed that he was repeatedly with Raoul in various places over nine months, and since many of Ray's other associations during the same period have been verified, the dearth of evidence corroborating Ray's contact with Raoul is all the more compelling.

We also find Ray's jumbled and contradictory narratives about the assassination are further evidence that Raoul did not participate in the crime. In fact, we believe that it is precisely because Ray repeatedly and continuously fabricated about Raoul's involvement in the assassination that his accounts are so inconsistent. Had Ray truthfully related real events when detailing Raoul's alleged participation in the assassination, those parts of his narratives, like other portions, would have remained relatively constant and eventually would have been substantiated. Moreover, Ray's significant consistent claim that he learned of the assassination on his car's radio is in fact untrue since that radio was inoperative.

It is impossible to prove to an absolute certainty the existence of a negative. We nonetheless find it significant that more than 30 years after the assassination, there still is not a shred of credible evidence that verifies any trace of Raoul, identifies who he might be, or provides definitive information as to his past or present whereabouts. There also is no reliable evidence to suggest that Raoul participated in the assassination. Finally, the very origin of Raoul -- Ray's statements -- is inexplicably confused, contradictory, and illogical. Accordingly, we conclude Raoul's participation in the crime is Ray's creation.

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VII. KING V. JOWERS CONSPIRACY ALLEGATIONS

A. The King v. Jowers Trial

In November 1999, trial commenced in King v. Jowers, a wrongful death civil action filed by Dr. Pepper on behalf of Dr. King's wife and children. Jowers was the only defendant and thus the only other party to the lawsuit. At the conclusion of the nearly four week trial, the jury adopted a verdict offered by the parties finding that Jowers and "others, including government agencies" participated in a conspiracy to assassinate Dr. King.

We reviewed the trial's evidence in connection with our ongoing investigation of the Jowers and Wilson allegations. We also conducted additional witness interviews and searched for and reviewed records as warranted by the evidence.

In Sections IV and VI of this report, we discussed the evidence presented in King v. Jowers related to the Jowers allegation, as well as the relevant, additional investigation we initiated. Much of the information we considered in those sections was not presented to the jury. For instance, the parties did not introduce Jowers' many inconsistent claims, the inconsistent statements of several critical witnesses, or information that contradicted and undermined the trial evidence. As to the Wilson allegations, no evidence, other than newspaper articles recounting Wilson's claims, was offered. Accordingly, after considering the trial evidence in light of all available, relevant information, we still conclude that the Jowers and Wilson allegations are not credible and that there is no Raoul. See Sections IV, V, and VI above.

We also considered evidence from King v. Jowers suggesting the existence of various conspiracies broader than the one claimed by Jowers. These conspiracies purportedly included government agents and two African American ministers who were associates of Dr. King. The evidence never linked Jowers or his alleged co-conspirators to any federal agency or the United States military, even though the plaintiffs maintained that Dr. King's assassination was the result of a government-directed conspiracy and Jowers was the only party sued.

Nonetheless, we examined the trial evidence relating to these far-ranging conspiracy claims. We found that it was both contradictory and based on uncorroborated secondhand and thirdhand hearsay accounts. Nor did we find any credible, concrete facts to substantiate any of the conspiracy allegations. Because there was no reliable evidence presented at trial relating to a conspiracy to assassinate Dr. King involving either Jowers, the government, African American ministers, or anyone else, and because we know of no information to support such allegations, we find no justification for further investigation.

To explain our conclusion, we have summarized the trial evidence relating the purported conspiracies and analyzed that evidence in view of the results of our investigation and other relevant information that was not presented in King v. Jowers.

B. Evidence Alleging The Involvement Of The Federal Government

1. Hearsay Evidence

Most of the witnesses and writings offered to support the various government-directed conspiracy claims relied exclusively on secondhand and thirdhand hearsay and speculation. Additionally, none of these allegations were ever linked together. Rather, the hearsay evidence alleged that various government agencies participated in assorted assassination plots that are actually contradictory.

One allegation came from an acquaintance of Jowers who testified regarding a double hearsay account of an alleged conversation in a barbershop in which a supposed FBI agent remarked that the CIA was responsible for the assassination. Unrelated to this allegation, other hearsay evidence presented a different conspiracy, one to silence Ray after he pled guilty. One of Ray's former attorneys related a double hearsay account from two deceased inmates suggesting that, ten years after the assassination, Ray was the target of a government-directed murder contract. A former government official further testified that he heard an unconfirmed rumor that FBI snipers were dispatched when Ray escaped from prison.

The deposition of a person identified only as "John Doe" related yet another conspiracy claim. The unknown deponent recounted his alleged participation in a Mafia-assisted plot initiated by the President and Vice President of the United States. Finally, several authors, a newspaper article, and notes of alleged witness interviews offered various hearsay allegations that the United States military was somehow involved in the assassination. These allegations included a claim by an unidentified source that, while conducting military surveillance of Dr. King, his military team witnessed the assassination and even photographed a man with a rifle leaving the scene.

2. Eyewitness Testimony

In contrast to the several, disparate hearsay accounts presented at trial, only three witnesses provided firsthand information relating to any of the conspiracy allegations. Significantly, these witnesses did not directly support any of the hearsay claims that the government participated in the assassination, but merely recounted their observations of conduct suggesting that Dr. King may have been under government surveillance.

James Smith, formerly a Memphis police officer, testified that he understood that Dr. King was under government surveillance during the sanitation workers' strike in Memphis in March 1968, two weeks before the assassination. Smith reported that he observed a van filled with radio equipment outside the Rivermont Hotel where Dr. King was staying. Smith said that he heard from unidentified sources that the occupants of the van were federal agents conducting electronic surveillance.

Eli Arkin, a former Memphis police intelligence officer, answered questions about the presence of military personnel in Memphis. Arkin testified, consistent with what he previously related to us, that in March or April 1968, Army intelligence agents worked in his office while he was gathering information about the sanitation strike. According to Arkin, the agents never explained what they were doing and merely observed and took notes.

Finally, Carthel Weeden, then the captain of Fire Station No. 2 across from the Lorraine, testified that on the morning of the assassination, two men who identified themselves as Army personnel said they wanted to conduct photographic surveillance. He reported that he showed them to the fire station's roof. When we spoke to him after the trial, Weeden advised that, while he was sure he took military personnel to the roof, it was possible that he did so on a day before -- not on the day of -- the assassination. He also told us that he did not know how long the men remained on the roof.

3. Analysis of the Evidence Alleging the Involvement of the Federal Government

When critically analyzed and considered in light of other relevant information, the trial evidence does not establish that federal agents were involved in a conspiracy to assassinate Dr. King. Rather, it consists of speculation or secondhand and thirdhand hearsay accounts that remain totally unsubstantiated or contradicted. After considering all available information, including numerous facts not presented to the King v. Jowers jury, we have concluded that none of the assorted conspiracy allegations warrant any further investigation.

a. Allegations of CIA and FBI involvement in a conspiracy

William Hamblin, a former cab driver who knew both Jowers and his friend James McCraw, testified regarding a double hearsay account that the CIA was responsible for the assassination. Hamblin reported that while he was a barber in Memphis in 1968, his boss, Vernon Jones, now deceased, told him about a comment made by a long-standing customer, referred to only as "Mr. Purdy." Hamblin testified that Jones said that in response to Jones' question -- "who do you think did it?" -- Mr. Purdy answered -- "the CIA." Hamblin also maintained, without explaining the basis for his knowledge, that Mr. Purdy was an FBI agent. See Section IV.F.2. above for other allegations made by Hamblin.

Hamblin did not claim to have heard the alleged conversation between Jones and Purdy. There was no evidence presented that the conversation actually occurred or that Hamblin's unexplained belief that Mr. Purdy was an FBI agent was correct. Nor was any evidence offered to show that Mr. Purdy's alleged opinion was based upon fact rather than conjecture. Accordingly, Hamblin's testimony is nothing more than an unconfirmed report of idle barbershop speculation.

A limited amount of other trial evidence was offered in an attempt to suggest that the FBI and the CIA were involved in the assassination. Several witnesses made vague accusations that the FBI failed to investigate thoroughly or suppressed evidence related to the murder and that its leadership wanted Dr. King killed. No specific trial evidence, however, supported these accusations and we found nothing to confirm the speculation.

As to the CIA, a witness testified that an undercover officer, who at the time of the assassination worked for the Memphis Police Department, was hired by that federal agency several years later. See Section IV.D.2.b.(2) above. Thus, it was implied that the CIA may have been involved in a conspiracy. Additionally, an unidentified source, who was not credited by the newspaper reporter who heard his story, alleged that his National Guard reconnaissance team was met in Memphis on the day of the murder by someone who "smelled like" a CIA agent. See Section VII.B.3.d. below. After reviewing the historical record, including CIA records, some of which were classified, we found nothing to substantiate the speculative claims that the CIA was involved in a conspiracy.

b. Allegations of a government conspiracy to silence Ray

Reverend Walter Fauntroy, former delegate to the United States House of Representatives, testified regarding a rumor. Fauntroy, who headed the HSCA probe of the King assassination, stated that at the time of Ray's escape from prison in 1977, he "heard" that FBI snipers had been sent to Tennessee. Fauntroy emphasized, "I don't know that. I have no evidence, but that's what we heard and that alarmed us."

Attorney April Ferguson, who assisted Mark Lane in representing Ray during the HSCA hearings, testified about a related, double hearsay account from two inmates regarding an alleged contract to kill Ray. According to Ferguson, in January 1979, she met a now deceased, incarcerated extortionist, William Kirk, who told her that another now deceased inmate, Arthur Baldwin, advised him of a supposed $5000 contract to murder

Ray. Ferguson added that Kirk told her, without providing any specifics or sources for his information, that he "got the impression that * * * Baldwin was working as an agent or informer for the federal government."

We did not find anything to confirm either hearsay allegation about the plots to kill Ray. Reverend Fauntroy correctly cautioned in his testimony that he knew of no evidence to support the rumor he had heard. In fact, Ray was in the custody of the government for over 30 years and died of liver disease in 1998.

We did determine that Baldwin assisted the government in federal investigations that were unrelated to the assassination in return for a reduced sentence for his own criminal activity. We are aware, however, of no information to substantiate the inference that Baldwin was thus involved in a government-directed plot to kill Ray. The former United States Attorney, who used Baldwin as an informant, advised that, because of Baldwin's poor credibility, he relied on Baldwin's information only when it could be independently corroborated.

We found nothing to corroborate the hearsay account of Kirk's allegation of Baldwin's claim. Moreover, it is not uncommon for inmates to make false accusations with some hope of personal gain.

c. Allegation of a conspiracy involving the President and Vice President

During the trial, Garrison, on behalf of Jowers, presented a "John Doe" deposition outlining a conspiracy involving the Mafia and implicating both the President and Vice President of the United States. The unidentified deponent, whose name was withheld for unexplained "security reasons," claimed to have worked for the *Houston Post* in 1968. His deposition provides that he was contacted by a former treasurer of the United Auto Workers at the request of a bookmaker acquaintance and offered $400,000, allegedly to be supplied by the union, "to satisfy Mr. [Hubert] Humphrey and Mr. [Lyndon] Johnson by making Martin Luther King * * * 'shut up' about the Vietnam War * * * by just taking him out." According to the deposition, the deponent accepted the offer, and along with the assistance of several others, including Raoul and Mafia figure, Carlos Marcello, assassinated Dr. King.

The deposition provides details as to how the murder was allegedly accomplished. It states that on April 4, 1968, the deponent and others flew to Memphis from a secret airstrip owned by Marcello. Upon arrival, a woman from Belize, South America, now deceased, drove them to downtown Memphis and dropped off Raoul near Mulberry Street. Raoul then went into a building and left a bag outside. Afterwards, Raoul drove to New Orleans, picked up Ray in Atlanta, and flew with him to Canada. The deposition also alleges that after "the actual shooting of King took place [from] behind * * * a brushy little wall," the woman from Belize "c[a]me around and pick[ed] up the shooter" in a Chevrolet Corvair. The shooter, along with the deponent, flew back to the Mafia airstrip and, while passing over the Mississippi River, threw the rifle into the river.

While the "John Doe" deposition presented the most detailed evidence alleging a government-directed conspiracy, no live witness testimony or documentary or physical evidence corroborated any part of its allegations. Conveniently, Doe remained unidentified for "security reasons" and virtually all of his alleged co-conspirators are supposedly dead. Moreover, many of Doe's claims are contradicted by otherwise established facts. For example, none of the many witnesses at the Lorraine, nor the police who immediately responded, saw a woman drive by and pick up the shooter, and Ray never claimed that he flew to Canada with Raoul. Thus, this far-fetched, anonymous story has no indicia of reliability and is not credible.

d. Allegations of military involvement in a conspiracy

The King v. Jowers trial included evidence relating allegations of United States military involvement in the assassination. Although no evidence specifically alleged that military personnel killed Dr. King, hearsay accounts and speculation suggested that military personnel were somehow connected to the assassination and actually witnessed it.

Dr. Pepper introduced redacted copies of notes purporting to document interviews with unidentified military sources who claimed to have observed the assassination.(78) One set of notes records allegations by an unidentified source, claiming that he was one of two soldiers with the 902d Military Intelligence Group who was on the rooftop of Fire Station No. 2 conducting surveillance of Dr. King at the time of the assassination. This source reported that he observed and his partner photographed the assassination and "a white man with a rifle" on the ground leaving the scene. According to the notes, the source offered to approach his partner to attempt to obtain the alleged photographs for $2,000.

Another set of notes purported to document the allegations of a different unnamed source that he was one of two guardsmen with an Alabama National Guard unit, the 20th Special Forces Group (SFG), who was watching Dr. King and Ambassador Young from another rooftop near the Lorraine and observed the assassination. That source also claimed that his team coordinated with the Memphis police and someone he assumed to be with the CIA.

In a 1993 newspaper article from the *Memphis Commercial Appeal,* which was also introduced, reporter Stephen Tompkins asserts, without citing sources for the specific claims, that in the late 1960s, the 20th SFG conducted military intelligence surveillance of Dr. King and others from the civil rights movement. The article further provides that, on the day before the assassination, the 111th Military Intelligence Group (MIG) "shadowed [Dr. King's] movements and monitored radio traffic from a sedan crammed with electronic equipment" and that "[e]ight Green Berets from an 'Operation Detachment Alpha 184 Team' were also in Memphis carrying out an unknown mission."

Douglas Valentine, who authored a book about CIA intelligence operations during the Vietnam war, presented hearsay testimony from another unidentified source. He related that while writing his book, he learned that a single unnamed source allegedly involved in the military's anti-war surveillance "heard a rumor" that the 111th MIG was conducting surveillance of Dr. King in Memphis on April 4, 1968, and took photographs of the assassination. Valentine advised us after the trial that he could not recall the identity of the person who told him the rumor but thought it was a former military enlisted man.

Another writer, Jack Terrell, who claimed to have worked with a CIA-directed group supplying arms and military software to the Contra rebels in Honduras in the 1980s, offered a hearsay opinion of a deceased source. Terrell testified that in the 1970s, as a private businessman, one of his employees, J.D. Hill, now deceased, claimed to have been with the 20th SFG in the 1960s. According to Terrell, Hill, who was a "strange person" with a drinking problem, expressed the "view" that in 1968 he had been trained specifically to participate in a military sniper mission to assassinate Dr. King that was canceled without explanation.

(1) Allegations regarding the military that are relevant to Jowers' claim

Although none of the King v. Jowers conspiracy allegations were directly linked to Jowers' allegations, some of the evidence relating to claims of military involvement suggests the existence of witnesses and/or physical evidence that could support Jowers' contention that the assassin fired from behind Jim's Grill. As a result, we searched for witnesses from the military and physical evidence that might confirm Jowers' allegation.

We found no evidence -- no witness, document or photograph -- to confirm the hearsay allegations that military personnel witnessed or photographed the assassination. Rather, we found evidence to establish that those allegations are not credible.

Initially, we obtained an un-redacted copy of the interview notes that were introduced at trial. It named the man who claimed that he and another soldier witnessed and photographed the assassination. We also learned that former *Memphis Commercial Appeal* reporter Stephen Tompkins, who did not testify in King v. Jowers, authored the interview notes. Accordingly, we interviewed Tompkins.

Tompkins confirmed that he prepared the notes based on his interview of a source whose identity he was unable to substantiate. He emphasized that he did not believe the account related by the source and that, had he been called as a witness at the trial, he would have stated his belief to the jury.(79)

Tompkins explained that he was unable to corroborate any information provided by the source, who identified himself as Jacob Brenner, including whether that was the man's real name. In addition, Tompkins said he found no evidence to substantiate that the 902d Military Intelligence Group (Brenner's alleged unit) ever conducted surveillance of Dr. King or was in Memphis. Rather, he determined that the 902d MIG's mission did not include domestic intelligence work. Tompkins also advised that he never interviewed Brenner's alleged partner, who purportedly photographed both the assassination and the man with a rifle, because Brenner never named him. Nor did he ever speak to Colonel John Downie, the commander of the 902d MIG to whom Brenner claimed the photographs were given, because Downie was no longer alive.

Tompkins said that he was skeptical about Brenner's story based upon more than his inability to corroborate it. Brenner asked for increasing amounts of money for the photographs that he claimed would substantiate his story. According to Tompkins, when initially meeting Brenner in Chicago, he wanted $2,000 for the photographs; later in Miami, he escalated the demand to at least $10,000. Concluding Brenner did not have any photographs, Tompkins said he advised Dr. Pepper not to pay. In the end, Tompkins described Brenner as a "slimeball" whose story was no different than numerous false stories he had heard from conspiracy buffs asking for money.

Notwithstanding Tompkins' assessment of Brenner's credibility and story, we investigated whether military personnel from the 902d MIG or from some other unit were on the roof of Fire Station No. 2, observed the assassination, or photographed a man with a rifle after the shooting.

Official records reflect that the 111th MIG and the Tennessee National Guard were the only military units which had personnel in Memphis on the day of the assassination. We found no record to indicate that any other military unit, including the 902d MIG, had personnel in Memphis on April 4, 1968. The Department of Defense also confirmed

Tompkins' understanding that the 902d MIG did not conduct domestic intelligence work. Finally, we found no written record of any surveillance of Dr. King at the Lorraine Motel by military personnel from any unit.(80)

In addition to reviewing records, we located and interviewed five surviving members of the 111th MIG who were in Memphis on April 4, 1968. They all claimed they were not aware that military personnel from any other unit, including the 902d MIG, were in Memphis around the time of the assassination. Jimmie Locke, then a Major and the 111th MIG's ranking officer in Memphis at the time of the assassination, advised that under the military's standing operating procedures he would have been advised if personnel from another unit were in his area. He specifically stated that, even if the other unit's operation was covert, he would have been advised of the personnel's presence, if not their mission.

Additionally, no one from the 111th MIG had firsthand knowledge that any military personnel were in the vicinity of the Lorraine on the day of the assassination or that military personnel ever conducted surveillance of Dr. King. Steve McCall, then a Sergeant and investigator with the 111th MIG, did remember, however, somehow hearing that agents from his unit were being dispatched to the Lorraine on the day of the assassination to watch Dr. King and his party. McCall could not recall the source for this information or any other details, including whether anyone actually went to the Lorraine and, if they did, who they were, when they went, or what they did.

Significantly, one witness from the 111th MIG also told us that he was on the roof of Fire Station No. 2 before -- but not on the day of -- the assassination. James Green, then a Sergeant and investigator, recalled going to the fire station on the day that Dr. King's advance party arrived in Memphis, perhaps March 31st . He claims he went with another agent from his unit, whom he could not now recall, to scout for locations to take photographs of persons visiting the King party at the Lorraine Motel at a later time, if necessary. According to Green, someone from the station may have shown them to the roof, where he and the other agent remained for 30 to 45 minutes before determining it was too exposed a location from which to take photographs.(81) Green stated he never returned to the roof or the vicinity of the Lorraine and never conducted surveillance of or photographed Dr. King. He also advised that he never heard that any other military personnel were in the area of the Lorraine on the day of the assassination or conducted surveillance of Dr. King.

We also interviewed all surviving firemen who worked at Fire Station No. 2 at the time of the assassination. No fireman, other than Weeden, had any knowledge about the presence of military personnel at the fire station.

While we found no reason to disbelieve Captain Weeden's recollection that he led two Army agents to the station's roof or Green's account to support it, we found nothing to confirm that military personnel were in fact at that location on the day of the assassination. Further, when we interviewed Weeden after the trial, he acknowledged that his memory of an event 30 years ago might be inexact, and, thus, it was possible that he took the military personnel to the roof sometime before -- not the day of -- the assassination. He added that he had never spoken with anyone about his recollection until Dr. Pepper interviewed him "before [Pepper] wrote his book" in 1995. Accordingly, Green's recollection that military personnel went to the roof on a different day than the assassination appears accurate.

We likewise found physical evidence to contradict Jacob Brenner's story that he or anyone else was on the fire station's roof at the time of the assassination. Attachments 4a and 4b, photographs taken by television producer Joseph Louw of the police responding to the shooting, clearly depict the fire station's roof most probably within a minute of the shooting. The photographs were taken through the window of Louw's balcony room, which was two doors from where Dr. King lay mortally wounded. Had Brenner or someone else been on the roof photographing the assassination when Louw was taking his photographs, they would necessarily appear in them. Louw's photographs, however, show no one on the roof.

After examining all relevant information, we have concluded that the King v. Jowers hearsay evidence that military personnel witnessed and photographed both the assassination and a man with a rifle as he left the scene is not credible. We found no evidence to support the allegation. Rather, we discovered information to contradict it, including Louw's photographs and the assessment of the only person who heard the story, Tompkins, that it is not worthy of belief.

(2) Other allegations regarding the military

We have also concluded that allegations in a second set of interview notes relating to military personnel also authored by Tompkins and introduced at trial are not credible. Those notes reflect the claims of two men, who alleged that they were sent to Memphis with the 20th Special Forces Group of the Alabama National Guard, met a Memphis police officer and someone appearing to be a CIA agent, and witnessed the assassination. Although Tompkins declined to provide the names of the guardsmen, asserting that they are news sources whose identities he is obliged to protect, he nonetheless advised that he was unable to corroborate their story and doubted their credibility.(82)

Tompkins recounted that, during his investigation for the *Memphis Commercial Appeal* in the early 1990s, he received information that the 20th SFG had been in Memphis at the time of the assassination.(83) His inquiry led to a man then living in Mexico, who claimed to have been a guardsman with that unit and on the roof of a building (not the fire station) watching Dr. King at the time of the assassination. Tompkins said that the guardsman introduced him to another man in Mexico who allegedly was the team's observer. Tompkins emphasized that the guardsman claimed that he was only conducting "reconnaissance" and not deployed as a sniper to shoot Dr. King. (84)

Tompkins told us that he never found anything to corroborate the allegations of the guardsman and his observer and no longer believes them.(85) He stated that the guardsman, like Brenner, wanted money in exchange for documents that he claimed would substantiate his story. Because Tompkins and his newspaper did not credit the story, they did not attempt to purchase the alleged documents or publish the account. Later, according to Tompkins, he gave money from Dr. Pepper to the guardsman for the documents (he did not recall the amount), but the guardsman never provided them. Tompkins explained that he did not think the guardsman was "on the level" and that what he related may have been "just bullshit" and " made up." Tompkins summed up his evaluation of the guardsman by saying that he "would not testify under oath that [the guardsman] was truthful," and, in his view, it would "be a waste of taxpayers' dollars" to travel to Mexico to speak with him.

We found no evidence to corroborate the allegations of the guardsman or his purported observer. We could find no record or witness to confirm that the 20th SFG or any other military unit besides the 111th MIG and the Tennessee National Guard was in Memphis at the time of the assassination or anything else alleged. Moreover, according to the National Guard Bureau of the Department of Defense, the 20th SFG was never authorized to engage in surveillance or any other activities against civil rights leaders.

Additionally, one critical fact mentioned by the guardsman that was subject to verification proved to be false. According to Tompkins, the guardsman said his team leader, an officer whom he named, accompanied the team to Memphis. Tompkins' interview notes also make several references to the team leader's activities in Memphis on the day of the assassination. In 1997, the team leader, who was supposedly dead, came forward to contest the accusations. He denied both being in Memphis on April 4, 1968, and knowing that other personnel from the 20th SFG were there, and provided an account of his whereabouts on the day of the assassination. We are aware of nothing to contradict the team leader's denial.(86)

We also considered both Tompkins' claim in his 1993 article that the 111th MIG monitored Dr. King in Memphis on the day before the assassination with "a sedan crammed with electronic equipment" and police officer James Smith's alleged March 1968 observations of a van, which he heard was involved in surveillance. Tompkins advised that, while witnesses told him they had heard electronic surveillance occurred, no one claimed to have actually observed it. Nor did we find any record or witness to support the allegation that the 111th MIG even had such electronic surveillance equipment. Additionally, 111th MIG Sergeant James Green, who admitted being on the fire station's roof, acknowledged that approximately two weeks after the assassination he was operating a sedan in Memphis crammed with communication, not surveillance, equipment. According to Green, local law enforcement officers were aware of his presence and the radio equipment.

Finally, we assessed the testimony of both author Douglas Valentine that an unidentified source heard a rumor that the 111th MIG photographed the assassination and writer Jack Terrell that his now deceased employee talked about a canceled 20th SFG mission to kill Dr. King. We found neither witnesses' testimony significant in view of its hearsay nature and in light of the information discussed above. According to Valentine, an unidentified source conveyed a rumor and, according to Terrell, another source, who was unreliable and is now deceased, expressed an unsubstantiated opinion. As with many hearsay accounts, after critical examination of the relevant facts, these secondhand accounts proved inaccurate.

In conclusion, we found no evidence that military personnel saw, photographed, or were even present at the time of the assassination. Neither the guardsmen's allegation nor Jacob Brenner's story is credible. At the same time, we were unable to determine definitively whether the military conducted surveillance of Dr. King on the day of the assassination. We found no conclusive evidence that they did. Other information, however, establishes that the military did carry out surveillance of Dr. King and many other civilians participating in civil disobedience in the 1960s. (87) Because such surveillance, which Congress later condemned, was so pervasive, the mere possibility that the military may have spied on Dr. King on the day of the assassination does not suggest its complicity in the murder. In fact, we found nothing to indicate that surveillance at any time had any connection with the assassination.

C. Evidence Alleging The Involvement Of Dr. King's Associates

Dr. Pepper also introduced evidence during the trial to suggest that two African American ministers, who were associates of Dr. King, conspired to kill him. Testimony was presented to imply that Dr. King's associates facilitated the assassination by luring Dr. King to the Lorraine Motel where he had never stayed, changing his room assignment from an interior to an exposed balcony room, dismissing a portion of his security, leading him to the balcony at exactly 6:00 p.m., and leaving him alone and exposed to allow the assassin an unobstructed shot.(88)

We reviewed the trial testimony relating to these claims. Based on an analysis of all relevant information, including numerous facts not presented to the jury, we have concluded that the allegation that two of Dr. King's associates conspired to kill him is not credible and does not warrant further investigation.

1. Dr. King and the Lorraine Motel

During the trial, evidence suggested that Dr. King's stay at the Lorraine was out of the ordinary and intentionally directed by insiders to assist the assassination. For example, Jerry Williams, a former Memphis police officer, one of the African American officers who provided security for Dr. King's previous visits to Memphis, testified that Dr. King had never stayed overnight at the Lorraine because of security concerns. Reverend James Lawson, an associate of Dr. King's, also testified that Dr. King "mostly stayed" at "white" motels, rather than the motels patronized by African Americans, like the Lorraine.

Supporting the theory that one of Dr. King's associates deliberately moved him to a balcony room to facilitate the assassination, Leon Cohen testified that on the day after the assassination he heard that Dr. King's room assignment at the Lorraine had been changed by someone within his own organization. Cohen, who claimed to be a friend of the Lorraine's owner, Walter Bailey, testified that Bailey told him that a male member of Dr. King's group called from Atlanta the day prior to Dr. King's arrival to change his interior courtyard room to an exposed, balcony room. According to Cohen's hearsay account, Bailey was adamantly against the move because of his concerns for Dr. King's security.

The historical record contradicts the trial testimony that Dr. King's final stay at the Lorraine was unusual. The motel owner, Walter Bailey, now deceased, told investigators on several occasions that Dr. King was a frequent overnight guest at the Lorraine. For example, on the day of the assassination, Bailey told the FBI that Dr. King had stayed at his motel on approximately 12 occasions since 1958. In 1969, Bailey similarly told investigators for James Earl Ray that Dr. King had stayed at the Lorraine on and off for the past 15 years.

Others corroborate Bailey's official statements about Dr. King's frequent patronage of the Lorraine. Bailey's daughter Caroline Champion, who worked at the motel, advised our investigators that Dr. King stayed there "many times." Dr. King's close friend and colleague, Reverend Ralph Abernathy, told the HSCA under oath that he and Dr. King stayed in room 306 at the Lorraine so often that it was referred to as the "King-Abernathy suite." Memphis police officer Edward Redditt, who also provided security for Dr. King during an earlier visit, corroborated the recollections of Bailey, Champion, and Abernathy that Dr. King had previously stayed at the Lorraine. Accordingly, contrary to the trial testimony, other information from several reliable sources demonstrates that Dr. King was a frequent overnight guest at the Lorraine. Thus, there is nothing suspicious about his being at the Lorraine on April 4, 1968.

The suggestion that one of Dr. King's associates moved him to Room 306 on the balcony level to make him a target for the assassin is also contradicted by well-documented accounts. When interviewed by the FBI the day of the assassination, Bailey said that he had no knowledge that anyone had acted in a suspicious manner and absolutely no information or thoughts on the assassination. He likewise expressed no concern about

Dr. King's room assignment in statements to Ray's investigators and specifically told them that there was no advance registration for Dr. King, who was not registered until Reverend Lawson's arrival on April 3, 1968. Had Bailey actually received instructions, with which he disagreed, to change Dr. King's room, it is inconceivable that he would have related that fact only to Cohen and not to any of the several investigators, including those representing Ray, who interviewed him.

Moreover, Reverend Abernathy's testimony to the HSCA about the "King-Abernathy suite" (balcony Room 306) completely contradicts Cohen's testimony. Reverend Abernathy further testified that during the April 3-4, 1968 visit, he and Dr. King were moved to Room 306 at their own request as soon as it was vacated by another guest. Accordingly, we found nothing to support a conclusion that some unidentified associate of Dr. King deliberately moved him to a balcony room to facilitate his assassination.

2. Dr. King's Security

Evidence was also presented to suggest a plot to facilitate the removal of Dr. King's security. We discussed most of this trial evidence, along with other related information not presented in the trial, when we considered general accusations that security was removed in Section IV.D.2.b.(1) above. However, two additional pieces of evidence were presented in King v. Jowers in an effort to suggest that Dr. King's associates assisted the alleged plot to remove his security.

Philip Mellanson, a professor and author, testified that Memphis Police Inspector Sam Evans, now deceased, told him that he ordered tactical units away from the Lorraine at the request of a specific "Memphis Minister" associated with Dr. King, whom he named.(89) In addition, other witnesses testified about their belief that the eviction of the Invaders, a group of young Memphis, African American activists, from their room at the Lorraine minutes before the shooting facilitated the assassination. One former Invader, Charles Cabbage, testified that he was told that another minister, the "SCLC Minister," a ranking member of the Southern Christian Leadership Conference, ordered that his group be immediately ejected.

We found nothing to support Mellanson's hearsay account that the "Memphis Minister" was the specific source of the request to remove tactical units. When we interviewed the "Memphis Minister," he denied ever making such a request. Moreover, the fact that TACT Unit 10 remained in the vicinity across the street at the fire station undermines the inference that the "Memphis Minister" conspired with law enforcement. See Section IV.D.2.b.(1)(a) above.

Likewise, nothing supports a conclusion that the eviction of the Invaders from the Lorraine, allegedly at the direction of the "SCLC Minister," is related to the assassination. We found no evidence that the Invaders had anything to do with Dr. King's security. Rather, according to associates of Dr. King and former Memphis police officers, the Invaders were young, African American activists who were attempting to associate with Dr. King. Accordingly, even if the Invaders were evicted from the Lorraine by the "SCLC Minister" or some other SCLC staff person, such action would not have diminished Dr. King's security.

Moreover, Charles Cabbage's recent trial testimony is inconsistent with his testimony to the HSCA. Twenty years ago, Cabbage testified that did not recollect the specific sequence of events leading to the Invaders' departure from the Lorraine but that they decided to leave on their own because the SCLC would not pay their room bill. Cabbage told the HSCA that "one of the [SCLC] staffers," whose name he did not provide, somehow advised him that "they [the SCLC] were no longer going to pay for the room, and we [the Invaders] were already overdue and that left no alternative but for us to check out."

Cabbage's recent testimony is also uncorroborated and contrary to the recollections of others. Significantly, in Cabbage's recent testimony in King v. Jowers, he claimed that it was Reverend James Orange who evicted the Invaders, telling him that the "SCLC Minister" wanted them to leave immediately. When we spoke with Orange after the trial, he told us he did not recall receiving that instruction from the "SCLC Minister" or anyone else. Also, when we interviewed the "SCLC Minister," a friend and associate of Dr. King's, who has led a life of public service, he denied the accusation and claimed that he did not recall that the Invaders were even staying at the Lorraine. We are aware of nothing to contradict his denial. Accordingly, the record does not support the inference presented at trial that African American ministers associated with Dr. King facilitated the assassination by removing his security.

3. Dr. King's Presence on the Balcony

During the trial, the "Memphis Minister" was also called as a witness and questioned so as to create the impression that he had deliberately lured Dr. King to the balcony of the Lorraine at precisely 6:00 p.m. and left him exposed and alone so that he could be shot. This claim is consistent with the view expressed to us by Dr. Pepper and Dexter King prior to trial. To support this contention, the plaintiffs' attorney questioned the "Memphis Minister" regarding his conduct before the shooting and confronted him with words from his speech at ceremonies commemorating an anniversary of the assassination. In the speech, as he described the events of the assassination, the "Memphis Minister" recounted that just before the shot he "moved away [from Dr. King] so he [the assassin] could have a clear shot."

According to a number of witnesses interviewed by our investigation and previous investigations, Dr. King walked out of Room 306 onto the balcony of the Lorraine just before 6:00 p.m. in the company of the "Memphis Minister." Dr. King conversed with several of his other associates, who were assembled in the parking lot below as they all were preparing to go to dinner. When the "Memphis Minister" walked a few steps away from Dr. King, the assassin fired. As discussed in Section IV.D.1.a.(1) above, we determined that Dr. King's appearance on the balcony at 6:00 p.m. for a 5:00 p.m. dinner engagement could not have been anticipated with enough certainty to plan the time of the assassination.

The notion that the "Memphis Minister" was involved in the assassination and inadvertently revealed his participation during a public speech is far-fetched. The minister's comment, "I moved away so he could have a clear shot," considered in the context of his speech, appears nothing more than an inartful attempt to explain the sequence of events and the fact that Dr. King was shot when he moved away from the speaker's side. It hardly amounts to an inadvertent confession.

In any event, we are aware of no information to support the accusation that the "Memphis Minister" led Dr. King to the balcony and moved away to allow the assassin to shoot. We confronted the "Memphis Minister" with the accusation and he denied it. We are also aware of nothing that would have motivated him to assist a conspiracy to murder a friend and associate, while his public life demonstrates his integrity and dedication to non-violence.

D. Conclusions Regarding The King v. Jowers Conspiracy Claims

The evidence introduced in King v. Jowers to support various conspiracy allegations consisted of either inaccurate and incomplete information or unsubstantiated conjecture. supplied most often by sources. many unnamed, who did not testify. Important information from the historical record and our investigation contradicts and undermines it. When considered in light of all other available relevant facts, the trial's evidence fails to establish the existence of any conspiracy to kill Dr. King. The verdict presented by the parties and adopted by the jury is incompatible with the weight of all relevant information, much of which the jury never heard. Accordingly, the conspiracy allegations presented at the trial warrant no further investigation.

VIII. CONCLUSION AND RECOMMENDATION

After reviewing all available materials from prior official investigations and other sources, including the evidence from King v. Jowers, and after conducting a year and a half of original investigation, we have concluded that the allegations originating with Loyd Jowers and Donald Wilson are not credible.

We found no reliable evidence to support Jowers' allegations that he conspired with others to shoot Dr. King from behind Jim's Grill. In fact, credible evidence contradicting his allegations, as well as material inconsistencies among his accounts and his own repudiations of them, demonstrate that Jowers has not been truthful. Rather, it appears that Jowers contrived and promoted a sensational story of a plot to kill Dr. King. See Sections IV.F. and G. above.

Likewise, we do not credit Donald Wilson's claim that he took papers from Ray's abandoned car. Wilson has made significant contradictory statements and otherwise behaved in a duplicitous manner, inconsistent with his professed interest in seeking the truth. Important evidence contradicting Wilson's claims, including the failure of James Earl Ray to support Wilson's revelation, further undermines his account. Although we were unable to determine the true origin of the Wilson documents, his inconsistent statements, his conduct, and substantial evidence refuting his claims all demonstrate that his implausible account is not worthy of belief. Accordingly, we have concluded that the documents do not constitute evidence relevant to the King assassination. See Section V.K. above.

The weight of the evidence available to our investigation also establishes that Raoul is merely the creation of James Earl Ray. We found no evidence to support the claims that a Raoul participated in the assassination. Rather, a review of 30 years of speculation about his identity presents a convincing case that no Raoul was involved in a conspiracy to kill Dr. King. See Section VI.G. above.

In accordance with our mandate, we confined our investigation to the Jowers and the Wilson allegations and logical investigative leads suggested by them, including those concerning Raoul, who is central to both allegations. We however considered other allegations, including the unsubstantiated claims made during the trial of King v. Jowers that government agencies and African American ministers associated with Dr. King conspired to kill him. Where warranted, we conducted limited additional investigation. Thus, we evaluated all additional allegations brought to our attention to determine whether any reliable substantiation exists to credit them or warrant further inquiry. We found none. See Section VII above.

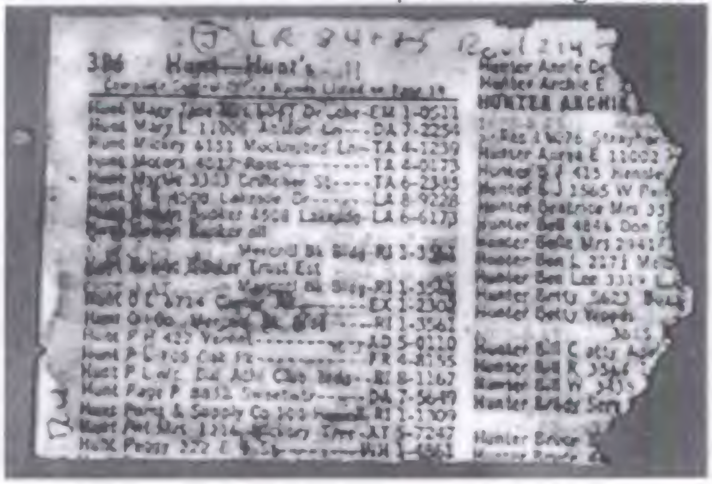
Similarly, we considered the suggestion of the House Select Committee on Assassinations and the Shelby County District Attorney General to investigate whether James Earl Ray's surviving brothers may have been his co-conspirators. We found insufficient evidentiary leads remaining after 30 years to justify further investigation. Finally, while we conducted no original investigation specifically directed at determining whether James Earl Ray killed Dr. King, we found no credible evidence to disturb past judicial determinations that he did.

Questions and speculation may always surround the assassination of Dr. King and other national tragedies. Our investigation of these most recent allegations, as well as several exhaustive previous official investigations, found no reliable evidence that Dr. King was killed by conspirators who framed James Earl Ray. Nor have any of the conspiracy theories advanced in the last 30 years, including the Jowers and the Wilson allegations, survived critical examination.

We recommend no further federal investigation of the Jowers allegations, the Wilson allegations, or any other allegations related to the assassination unless and until reliable substantiating facts are presented. At this time, we are aware of no information to warrant any further investigation of the assassination of Dr. Martin Luther King, Jr.

Return to Table of Contents

Attachment 1 -- Photostatic copies of the original documents obtained from Wilson



(J) LR 34+35 Rev 1214

386 Hunt—Hunt's ...

Complete ... Office Numbers Listed on Page 19

Hunt Mary Jane ... Dr ...EM 1-0211
Hunt Mary L 11006 Amber Ln---DA 7-2254
Hunt Mickey 6133 Mockingbird Ln--TA 4-1239
Hunt Motors 4017 Ross---TA 4-0173
Hunt Myrtle 3323 Crutcher St---TA 6-2355
Hunt ... 4500 Lakeside Dr---LA 8-9228
Hunt ... Bunker 4500 Lakeside--LA 6-6173
Hunt Nelson Bunker oil
Mercntl Bk Bldg--RI 3-3...
Hunt Nelson Bunker Trust Est
Mercntl Bk Bldg--RI 1-35..
Hunt O C 2714 ...---EX 1-2303
Hunt Oil Co Mercntl Bk Bldg---RI 1-3561
Hunt P H 427 Verde---AD 5-0110
Hunt P C 705 Cot St---FR 4-8795
Hunt P Lvle Ed Athl Club Bldg--RI 8-1167
Hunt Page P 8852 Sweetwater---DA 7-5689
Hunt Parts & Supply Co 303 ...--RI 1-1309
Hunt Pat Mrs 1214 Hickory ...--AT 5-7247
Hunt Peggy 322 E 9 St---WH 1-4061

Hunter Annie ...
Hunter Archie E
HUNTER ARCHIE
Hunter Aurea E 11002
Hunter B J 415 ...
Hunter E J 3565 W ...
Hunter Beatrice Mrs 35
Hunter Bell 4846 Don
Hunter Belle Mrs 2941
Hunter Ben L 2271 ...
Hunter Ben Lee 331
Hunter Betty 2623 ...
Hunter Betty Woods
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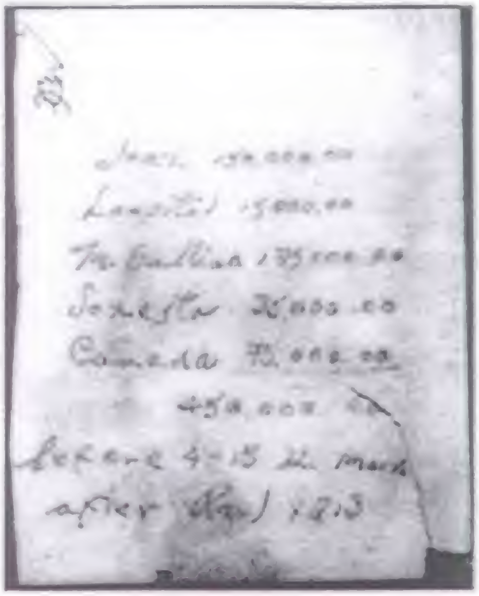
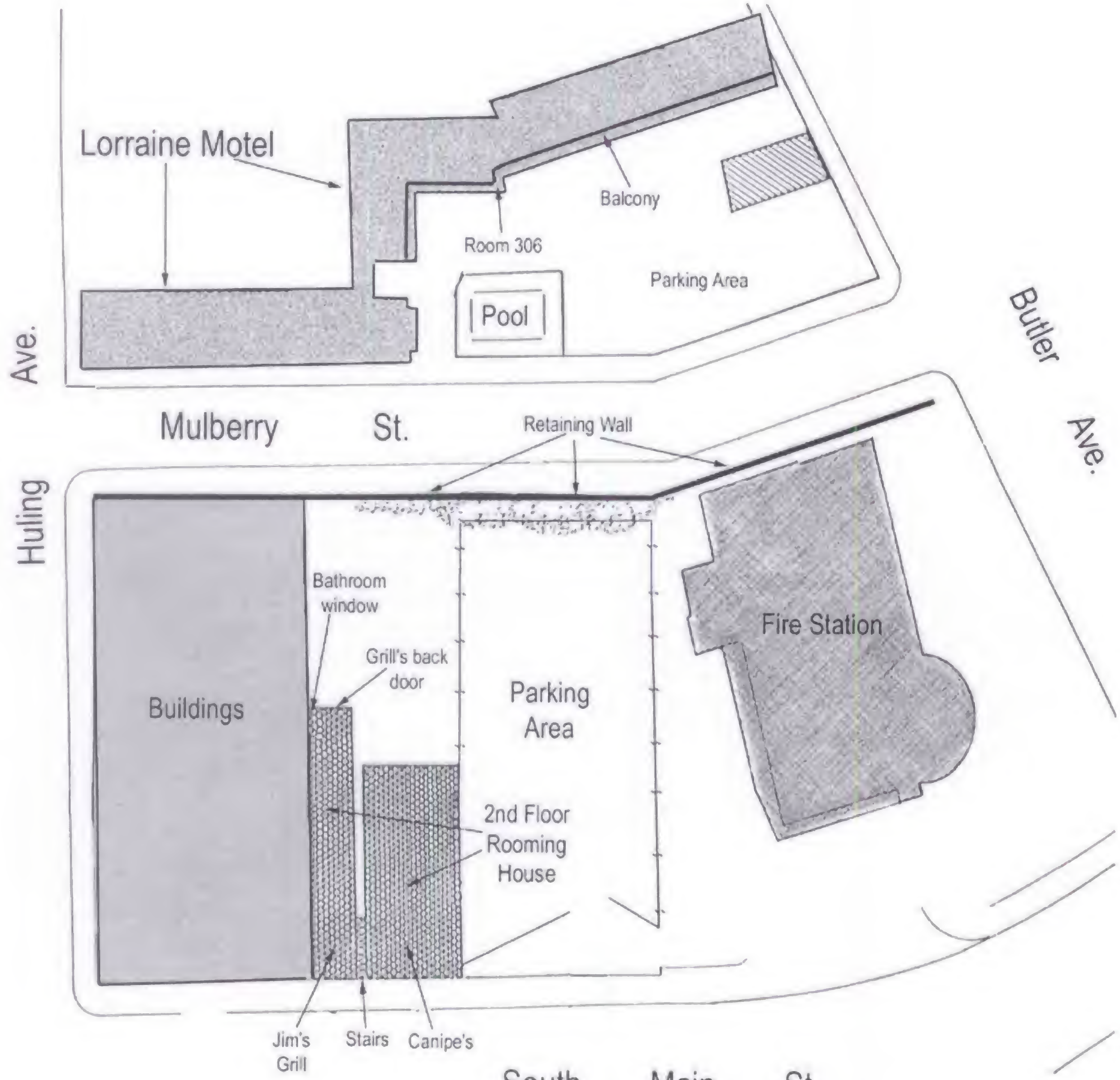
Hunter Bill C ...
Hunter Bill R 3546
Hunter Bill W 341
Hunter Billy ...
Hunter Bruce
Hunter Boyd

RJ

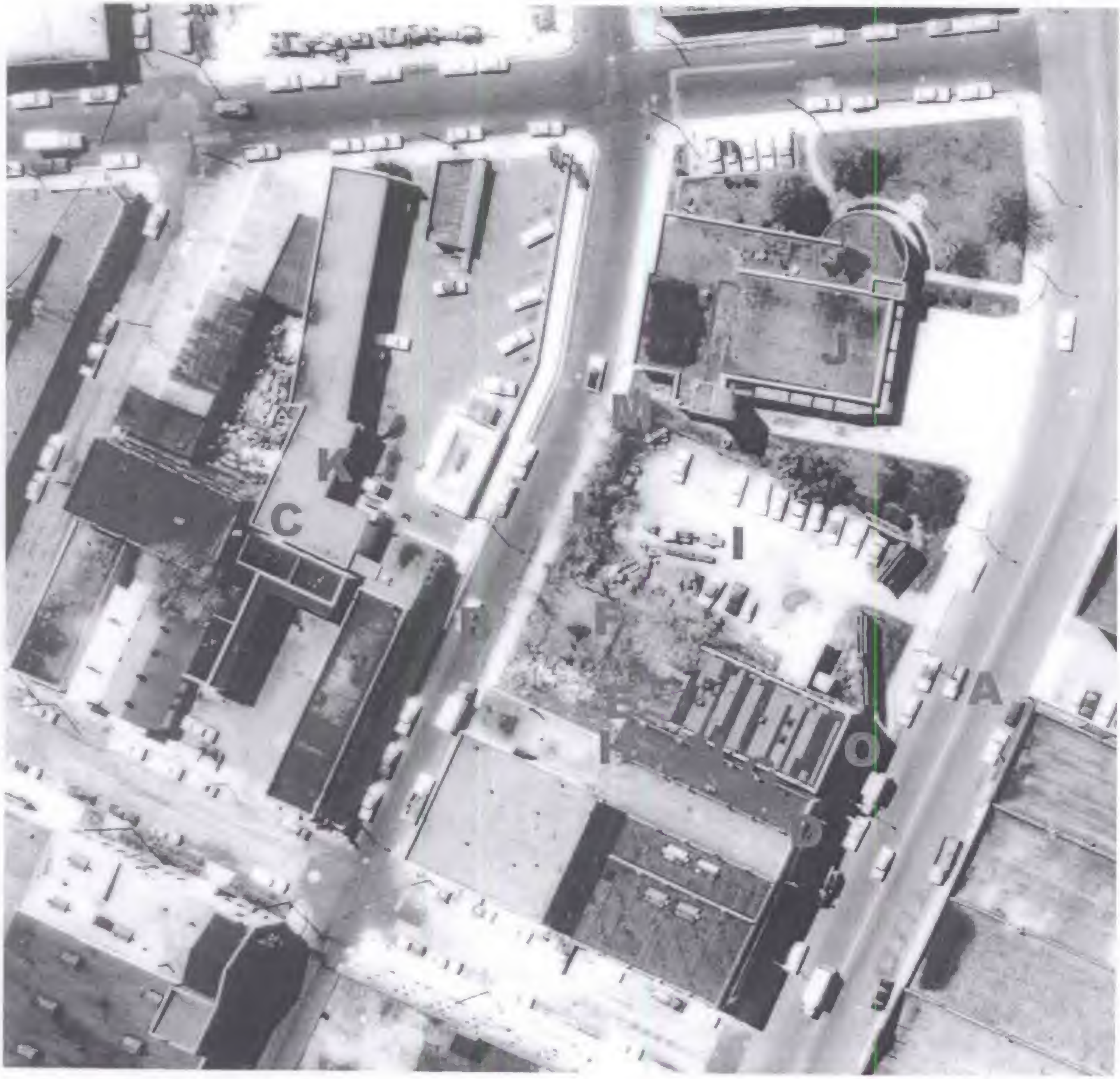


Jowel 50,000.00
hospital 15,000.00
Mc Gollian 175,000.00
Sarasota 35,000.00
Canada 75,000.00
450,000.00
before 4-15 1/2 mark
after April 1,213

Attachment 2 -- Diagram of area surrounding the Lorraine Motel

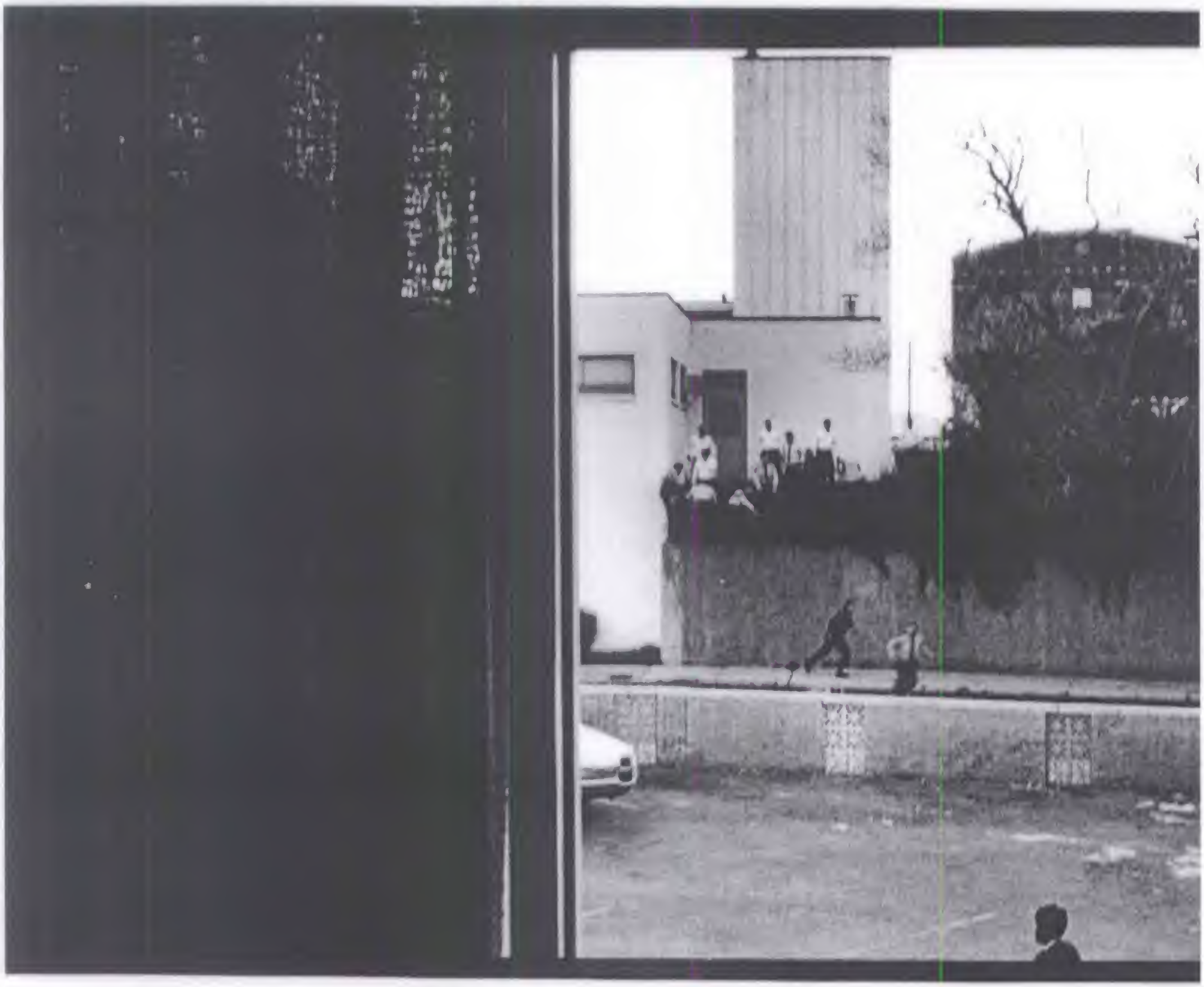

Lorraine Motel
Balcony
Room 306
Parking Area
Pool
Ave.
Butler
Mulberry St.
Retaining Wall
Ave.
Huling
Bathroom window
Grill's back door
Buildings
Parking Area
Fire Station
2nd Floor Rooming House
Jim's Grill
Stairs
Canipe's
South Main St.

Attachment 3 -- Aerial photograph of area surrounding the Lorraine Motel

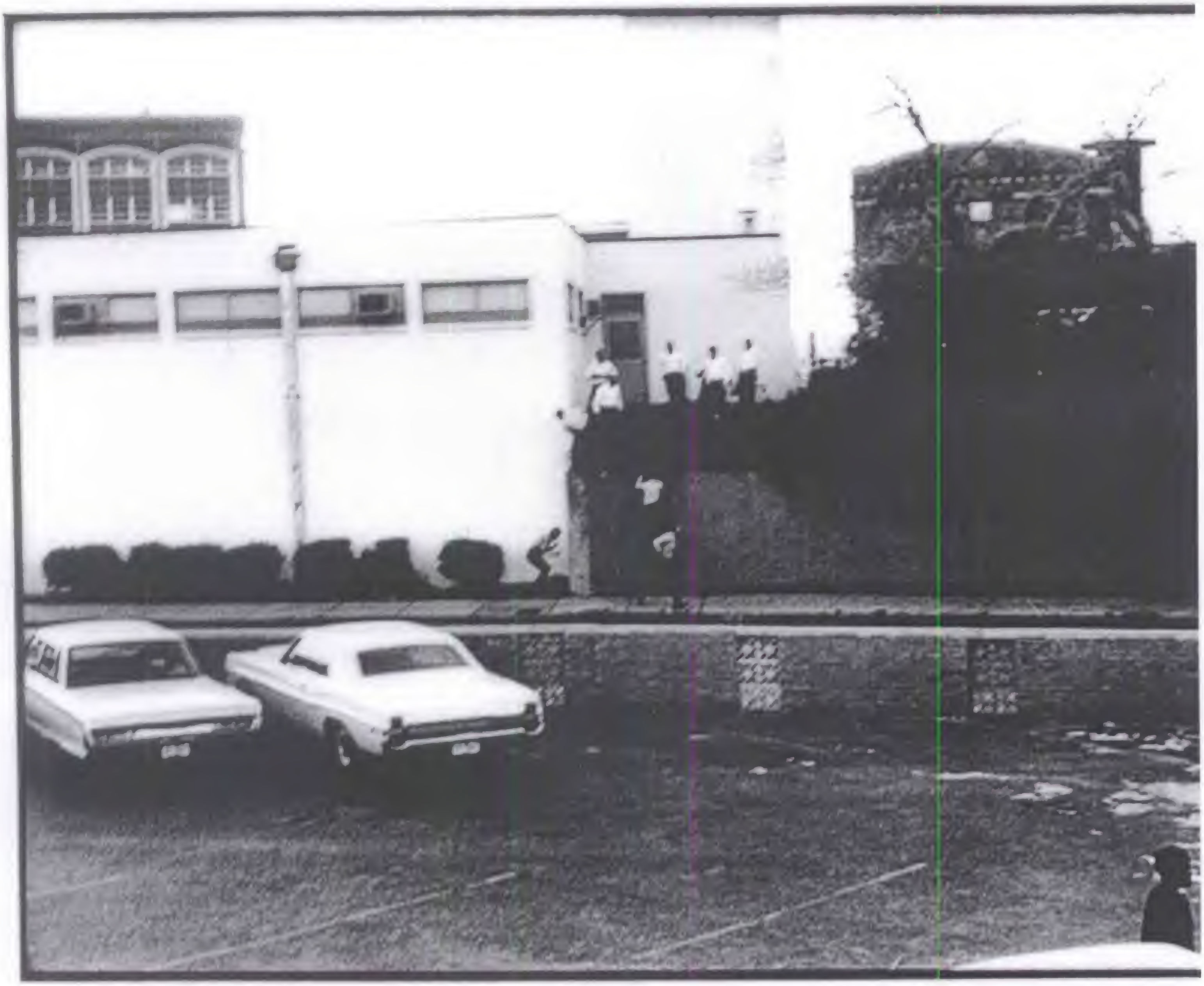


A South Main Street
B Mulberry Street
C Lorraine Motel
D Jim's Grill
E Backdoor of Jim's Grill
F Backyard
G Rooming House
H Bathroom Window
I Parking Area
J Firestation #2
K Room 306
L Brush & Retaining Wall
M Police Response Route
N Footprints
O Canipe's Store

Attachment 4a -- Photograph of police responding to shooting



Attachment 4b -- Photograph of police responding to shooting



[DEPARTMENT OF JUSTICE LETTERHEAD]

U.S. Department of Justice
Civil Rights Division
BLL:BFK:bbm
DJ 144-72-1991

[Attachment 5]

Lewis Garrison, Esquire
100 North Main Building
Suite 1025
Memphis, Tennessee 38103

Mar 19 1999

Dear Mr. Garrison:

Thank you for the opportunity on March 18, 1999, to discuss with you the issue of immunity for your client, Loyd Jowers. This letter is intended to memorialize that conversation and to assist you in presenting an immunity proposal to your client.

You expressed concern that this investigation is questioning the credibility of your client's allegations. I confirmed that we do currently have such concerns for two reasons. First, there has been a substantial and inexplicable delay in your response to my proposal for immunity offered in my letter to you of November 19, 1998. While I have sent you several letters and left many messages for you to call me, you have never returned my calls and have not responded in writing in a timely manner. After four months, according to you as of yesterday, you still had not discussed my immunity proposal with your client. Such conduct raises doubts about the seriousness and sincerity of your public position that you and your client want an immunity grant.

Additionally, notwithstanding your claims otherwise, your client has offered different information on materially significant facts in his allegations over the years. In our conversation yesterday, you indicated the only material contradiction attributable to your client was his statement to District Attorney General investigator Mark Glankler that the rifle belonging to James Earl Ray was the only rifle involved in the killing, there was no second rifle. You indicated that statement was a false statement by your client, motivated by a desire to stop Glankler from bothering his family and Jowers' interest in promoting the success of a motion, then pending, to test the Ray rifle, which test he believed would eliminate that rifle as the murder weapon. I contend that this is not the only example of material contradiction by your client. These material contradictions raise questions about the credibility of your client. However, as I said in our conversation, I am only aware of your client's statements according to others. For that reason, it is imperative that I have a proffer of his allegation from him before I can properly make an immunity decision.

Accordingly, I am again proposing that you provide me a copy of the October 27,1997 video recording of the interview of your client by Dr. Pepper and Mr. Dexter King. That recording, as you indicated in our conversation, is an accurate account of Mr. Jowers allegation. It will allow me and Mr. Campbell the opportunity to review your client's allegation as related directly by him. As I stated, we will agree not to use anything in the proffer against Mr. Jowers. Consequently, his Fifth Amendment Right can be protected while providing a proffer.

Without a proffer, we are unwilling to consider immunity. It would be irresponsible for any prosecutor to do otherwise.

On October 12, 1998, in response to my inquiry to speak to your client, you indicated that he would likely want immunity before he cooperated. As soon as you confirmed that fact to me, I provided you with a immunity proposal. Four months later, we still have no answer from you. We are well into the investigation of what we understand your client's allegations to be and are still awaiting a response to our immunity proposal.

You agreed to provide me an answer by March 22, 1999. I appreciate that commitment. Your client should know that this investigation cannot wait any longer for his decision. If we do not hear from you by March 22, we do not intend to pursue the matter any further. We will not continue to bother you or your client if he has no interest in quickly seeking to resolve this matter.

We are committed to obtaining truthful information in a timely manner regarding the assassination of Dr. Martin Luther King, Jr. We hope you and Mr. Jowers will assist us.

Our position should be clear. If not, please call me at 202-514-4067.

Sincerely,

Bill Lann Lee
Acting Assistant Attorney General
Civil Rights Division

By:

Barry F. Kowalski
Special Litigation Counsel
Criminal Section

[LETTERHEAD OF LAW OFFICES OF LEWIS K. GARRISON]

March 22, 1999

Fax: 202-514-4067

[Attachment 6]

Honorable Barry F. Kowalski
U. S. Department of Justice
Special Litigation Counsel
P. 0. Box 66018
Washington, D. C. 20035-6018

Re: Investigation - Dr. Martin Luther King, Jr.

Dear Mr. Kowalski:

Since our telephone conversation, a conference has been held with Mr. Lloyd Jowers. The grant of immunity that you mentioned has been considered.

As you may know, Mr. Jowers has suffered both financially and reputation wise for the statements that he has made regarding the murder of Dr. Martin Luther King, Jr. Mr. Jowers had nothing to gain by his statements except to try to reveal what he knew about the assassination.

In view of the apparent doubt that you have that he may be telling the truth, he has asked me to advise you that he does not intend to make further comments regarding this matter. He will not permit anyone to review the video tapes that you requested.

In view of his instructions to me as his attorney, I cannot offer you anything else in this matter.

If you have any questions, please advise.

Very truly yours,

LEWIS K. GARRISON

LGK:b

[DEPARTMENT OF JUSTICE LETTERHEAD]

U.S. Department of Justice
Civil Rights Division
BLL:BFK:bbm
DJ 144-72-1991

[Attachment 7]

April 22, 1999

Mr. Donald Wilson
[Address Omitted]

Dear Mr. Wilson:

Enclosed is a draft of an immunity agreement that I have prepared at your request.

In our April 20, 1999, telephone conversation, we discussed a grant of immunity from federal prosecution "in connection with the documents" before speaking to us any further about them. The draft agreement is intended to cover explicitly all possible federal criminal exposure you might have for your past conduct related to the documents in order to afford you the opportunity to speak candidly about them in the future. As I said, we are more interested in obtaining the complete truth from you on this important public issue than prosecuting you.

If you took evidence related to a federal criminal investigation, concealed and retained it, such conduct can violate 18 United States Code 641. If you knowingly and willfully made material false statements to Mr. Massie and I or to Inspector Bonner, such conduct could violate 18 United States Code 1001. Accordingly, the draft agreement makes specific references to those potential violations. However, it is intended to also cover any past conduct "in connection with the documents" that could violate some other federal statute.

As I also mentioned to you, we cannot grant immunity from future false statements. Accordingly, paragraph 3 in the draft addresses this issue.

Because our primary concern is to insure that our investigation obtains truthful information, I have also included in paragraph 2 a requirement that you submit to polygraph examinations, if we believe they are necessary. We did not discuss this point when we spoke. However, I noted that you advised the *Chicago Tribune* last month that you were willing to take a polygraph examination. The obligation to submit to a polygraph provides the United States a means to test the truthfulness of your information in return for our grant of immunity from prosecution.

The enclosed copy of a letter from the Acting Assistant Attorney General for Civil Rights indicates that I have the authority to entered into an immunity agreement on behalf of the Department of Justice.

Please call me at 202-514-4067, as soon as you have considered this proposal. As you know, we are at a stage in our investigation where your prompt response is required.

I look forward to hearing from you.

Sincerely,

Bill Lann Lee
Acting Assistant Attorney General
Civil Rights Division

By:

Barry F. Kowalski
Special Litigation Counsel
Criminal Section

cc: Enclosures

IMMUNITY AGREEMENT

1. This agreement between Donald G. Wilson (Mr. Wilson) and the United States Department of Justice (the Department) constitutes a grant of transactional immunity from federal prosecution in return for complete and truthful information from Mr. Wilson regarding certain documents that Mr. Wilson claims he recovered from James Earl Ray's car in 1968.

2. The United States agrees not to prosecute Donald G. Wilson for any past conduct in connection with said documents, as well as for any information or statements he has previously provided about those documents, that may violate 18 United States Code §§ 641 or 1001 or any other federal criminal statute.

3. Mr. Wilson agrees to cooperate fully with the Department by providing complete and truthful information to agents of the Department regarding the subject matter of this grant of immunity as specified in paragraph 1. In this regard, Mr. Wilson will answer all questions posed by agents of the Department both completely and truthfully. Mr. Wilson also agrees not to withhold any information, documentation, or physical evidence related to the subject matter of this grant of immunity. Additionally, Mr. Wilson agrees to submit to polygraph examinations administered by the Department related to the subject matter of the grant of immunity, if determined to be necessary by agents of the Department.

4. This grant of immunity does not extend to any false or misleading information or statements that Mr. Wilson might knowingly and willfully provide to the Department subsequent to the execution of this agreement. Accordingly, if Mr. Wilson knowingly and willfully provides false or misleading information or statements to agents of the Department in the future, he may be subject to prosecution under 18 United States Code § 1001 or other applicable federal criminal statute for such conduct.

5. Further, if Mr. Wilson does not fully comply with the requirements of paragraph 3 above, this grant of immunity will become null and void.

6. No promises have been made other than those expressly set forth in this agreement.

____
DONALD G. WILSON

____
DATE

____
BARRY KOWALSKI
United States Department of Justice

____
DATE

[DEPARTMENT OF JUSTICE LETTERHEAD]

U.S. Department of Justice
Civil Rights Division
BLL:BFK:bbm
DJ 144-72-1991

[Attachment 8]

Mr. Donald Wilson
[Address Omitted]

MAY 6, 1999

Dear Mr. Wilson:

On April 22, 1999, I wrote you forwarding a draft of an immunity agreement that you had requested. That draft agreement provided you with immunity from federal prosecution. In return, it required you to provide truthful information to our investigation of your allegation that you had found certain papers in the abandoned automobile of James Earl Ray, some of which you claim have been subsequently stolen from you.

I called you on April 29, 1999, at your home to determine whether you had received the draft immunity agreement. You advised me that you had received the draft and that you would inform us of your response to the immunity proposal by May 3, 1999.

On May 3, 1999, you called me at my office. You advised me that you were "not interested in any further dialogue with the Department of Justice."

During that May 3 conversation, I noted that you had advised the media of your interest in submitting to a polygraph examination to establish the truthfulness of your claims. I offered to arrange a polygraph if you indeed wished to take one. You refused to respond to that offer.

We are disappointed that you are not willing to cooperate with our investigation. Nonetheless, we respect your right not to cooperate. Accordingly, I will not contact you again.

Sincerely,

Bill Lann Lee
Acting Assistant Attorney General
Civil Rights Division

By:

Barry F. Kowalski
Special Litigation Counsel
Criminal Section